

4. Coastal Resources

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Coastal resources include all natural resources occurring within coastal waters and their adjacent shorelands such as islands, transitional and intertidal areas, salt marshes, wetlands, floodplains, estuaries, beaches, dunes, barrier islands, and coral reefs, as well as fish and wildlife and their respective habitats within these areas. In geographic terms, coastal resources include the coastlines of the United States and its territories along the Atlantic and Pacific oceans, the Great Lakes, and the Gulf of Mexico.

4.1. Regulatory Setting

Exhibit 4-1 lists the primary statutes, regulations, and Executive Orders that may be relevant to the proposed project. See Appendix B.4 for more detailed information about these requirements.

Exhibit 4-1. Statutes, Regulations, and Executive Orders Related to the Protection of Coastal Resources

Statute or Executive Order	Location in U.S. Code or <i>Federal Register</i>	Implementing Regulation(s)	Oversight Agency ^a	Summary ^a
Coastal Barrier Resources Act	16 U.S.C. § 3501 et seq.	U.S. DOI Coastal Barrier Act Advisory Guidelines, 57 <i>Federal Register</i> 52730 (November 5, 1992)	USFWS; FEMA	Prohibits, with some exceptions, federal financial assistance for development within the Coastal Barrier Resources System that contains undeveloped coastal barriers along the Atlantic and Gulf coasts and Great Lakes.
Coastal Zone Management Act	16 U.S.C. §§ 1451-1466	15 CFR part 930, 15 CFR part 923	NOAA; Appropriate State Agency	Provides for management of the nation's coastal resources, including the Great Lakes. It includes requirements for ensuring that activities conducted or authorized by federal agencies are consistent with approved state coastal zone management programs through four different consistency consultation processes.

Statute or Executive Order	Location in U.S. Code or <i>Federal Register</i>	Implementing Regulation(s)	Oversight Agency ^a	Summary ^a
National Marine Sanctuaries Act	16 U.S.C. § 1431 et seq.	15 CFR part 922, subparts F through R	NOAA	Protects areas of the marine environment with special national significance and requires federal agencies whose actions could impact sanctuary resources to consult with the program before acting.
Executive Order 13089, <i>Coral Reef Protection</i>	63 <i>Federal Register</i> 32701, (June 16, 1998)	Not applicable	NOAA	Requires federal agencies to identify any actions that might affect coral reef ecosystems, protect and enhance the conditions of these ecosystems, and ensure that, to the extent permitted by law, the actions carried out, authorized, or funded by federal agencies will not negatively impact or degrade coral reef ecosystems.
Executive Order 13840, <i>Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States</i>	83 <i>Federal Register</i> 29431, (June 19, 2018)	Not applicable	NOAA	Establishes the Ocean Policy Committee to promote the lawful use of the ocean, coastal, and Great Lakes waters; coordinate the department's ocean management; exercise rights and jurisdiction over the ocean; facilitate economic growth of coastal communities and ocean industries; ensure that policies do not prevent the sustainable use of marine ecosystems; modernize the attainment of best available science; and facilitate collaboration among government entities, the science community, and other stakeholders.

^a CFR = Code of Federal Regulations; DOI = U.S. Department of the Interior; FEMA = Federal Emergency Management Agency; NOAA = National Oceanic and Atmospheric Administration; U.S.C. = United States Code; USFWS = U.S. Fish and Wildlife Service.

4.1.1. Consultations, Permits, and Other Approvals

This section provides detailed information about consultation required for the Coastal Zone Management Act (CZMA) and the Coastal Barrier Resources Act (CBRA).

4.1.1.1. Coastal Zone Management Act

As noted in Exhibit 4-1 above, the CZMA provides for the management of U.S. coastal resources. The CZMA includes requirements for ensuring that activities conducted or authorized by federal agencies are consistent with approved state coastal zone management programs. These consistency requirements, as interpreted in the National Oceanic and Atmospheric Administration's (NOAA's) implementing regulations (15 CFR part 930), apply to activities that would have reasonably foreseeable effects on land or water uses or natural resources in a coastal zone.

There are four different consistency consultation processes described in the CZMA regulations (see 15 CFR part 930, subparts C–F). Two of the more common consultation processes involving the FAA are described in detail here.

One is used for situations when a proposed project is a federal agency activity (see 15 CFR §§ 930.30-930.46) and the other involves an applicant seeking a permit, license, or other authorization from a federal agency (see 15 CFR §§ 930.50-930.66). There may also be situations in which a proposed project may require compliance with both the federal agency consistency consultation process and the applicant consistency consultation process. For example, if an applicant proposes to build a runway requiring Federal Aviation Administration (FAA) approval, which would also require FAA installation of navigational aids, both the FAA and the applicant would need to complete the consistency consultation process.

Note that a consistency consultation under the CZMA is only applicable in states with an approved coastal zone management plan. Under this program, state governments design unique coastal zone management programs, which are subsequently approved by NOAA. Fulfilling the FAA's obligations under the CZMA may require conducting consultation with the affected state's coastal management program office. Consultation should occur with state agencies as early as practicable.

Currently, thirty-four out of thirty-five eligible coastal states, U.S. territories, and commonwealths have approved coastal zone management plans. See <https://coast.noaa.gov/czm/mystate/> for a list of those states and U.S. territories with approved coastal zone management plans. As of July 1, 2011, Alaska no longer participates in the National Coastal Zone Management Program.

The two more common consistency consultation processes are described below. Some common definitions used in the consistency consultation process are provided in the text box above.

A *negative determination* is the FAA's written determination that an FAA action will have no reasonably foreseeable effect on any coastal use or resource.

A *consistency determination* is the FAA's written determination regarding how the FAA action would be consistent with the state's coastal zone management plan.

A *consistency certification* is an applicant-prepared statement that specifies how the proposed activity complies with and will be conducted in a manner consistent with the state's coastal zone management program.

Note that full consistency with the coastal zone management program may be prohibited by existing laws and other legal authorities (such as aviation laws and safety standards). In this case, the FAA may proceed with the action, regardless of a state agency's objection. The FAA must provide the state agency with a written statement citing the statutory provision or legal authority limiting the FAA's discretion to comply with the coastal zone management program. If an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is prepared, it should state that the FAA provided to the state agency a written statement citing the statutory provisions or other legal authority that limited FAA's discretion to comply with the coastal management program.

Consistency Consultation Process for FAA Activities

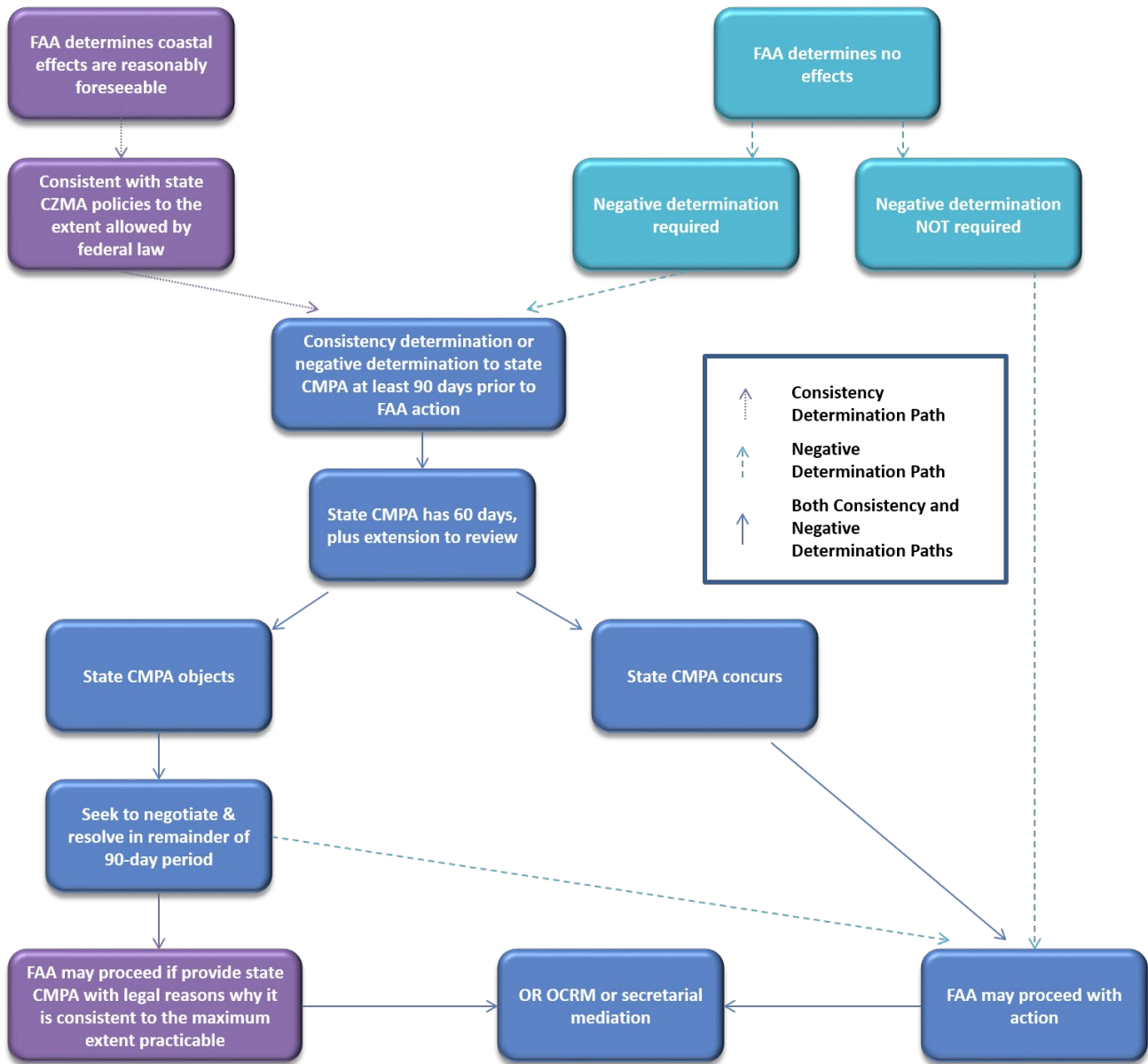
The FAA must ensure that all activities initiated or undertaken by the FAA meet the consistency requirements of the state's coastal management program to the extent practicable. The consistency consultation process for FAA activities is described in Exhibit 4-2 and Exhibit 4-3 below. FAA practitioners are encouraged to informally obtain the views and assistance of a state agency regarding its management program's applicability to the proposed activities in order to expedite the required consistency consultation process.

Exhibit 4-2. Consistency Consultation Process for FAA Activities

Step	Action
1	<p>The FAA determines whether the proposed action or alternative(s) may result in reasonably foreseeable effects to coastal resources in the study area (see 15 CFR § 930.33). An action which has minimal or no environmental effects may still have effects on a coastal use or a coastal resource, if the activity initiates an event or series of events where coastal effects are reasonably foreseeable. Effects are determined by looking at reasonably foreseeable direct and indirect effects on any coastal use or resource.</p> <ul style="list-style-type: none"> • If the FAA determines that there are <u>no</u> reasonably foreseeable effects to coastal resources or uses, proceed to Step 2 below (see light blue negative determination path in Exhibit 4-3). • If the FAA determines that there <u>are</u> reasonably foreseeable effects to coastal resources or uses, proceed to Step 4 below (see purple consistency determination path in Exhibit 4-3).
2	<p>The FAA determines whether preparation of a negative determination is required. A negative determination is required when:</p> <ol style="list-style-type: none"> 1. The action was previously identified by the state agency responsible for the coastal management program (the state agency) as an action that would result in reasonably foreseeable coastal effects or uses; 2. The action is similar to other activities that have required a consistency determination in the past; or 3. The agency has prepared a consistency assessment for the action and has later determined that it would not result in coastal effects (see 15 CFR § 930.35(a)). <ul style="list-style-type: none"> • If a negative determination is not required (i.e. when the Federal agency determines that a Federal agency action has no effects on any coastal use or resource), the FAA has no further obligation under the CZMA, and no further analysis is needed in the National Environmental Policy Act (NEPA) document. • If a negative determination is required, proceed to Step 3 below.

Step	Action
3	<p>The FAA prepares a negative determination in accordance with 15 CFR § 930.35(b) and submits this negative determination to the state agency at least 90 days prior to implementation of the action.</p> <ul style="list-style-type: none"> • The state agency has at least 60 days to respond to the FAA’s negative determination. <ul style="list-style-type: none"> o If the state agency concurs with the negative determination, the FAA has no further obligation under the CZMA, and no further analysis is needed in the NEPA document. Any consultation documentation between the FAA and the state agency, including the FAA’s negative determination and the state’s concurrence letter, should be included in the FAA’s NEPA documentation (e.g., as an appendix). o If the agency does not respond to the FAA’s negative determination within 60 days, the FAA may presume concurrence with the negative determination. o If the state agency does not concur with the negative determination, a consistency determination may be submitted. Otherwise, proceed to Step 5 below.
4	<p>The FAA prepares a consistency determination (see 15 CFR §§ 930.36, 930.39) and submits it to the state agency at least 90 days prior to implementation of the action.</p> <ul style="list-style-type: none"> • The state agency has at least 60 days to respond to the FAA’s consistency determination. <ul style="list-style-type: none"> o If the state agency concurs with the consistency determination, the FAA has no further obligation under the CZMA, and no further analysis is needed in the NEPA document. Any consultation documentation between the FAA and the state agency, including the FAA’s consistency determination and the state’s concurrence letter, should be included in the FAA’s NEPA documentation (e.g., as an appendix). o If the state agency does not respond to the FAA’s consistency determination within 60 days, the FAA may presume concurrence with the consistency determination. <p>If the state agency does not concur with the consistency determination, proceed to Step 5 below.</p>
5	<p>If the state agency objects to the FAA’s negative determination or consistency determination, the FAA and the state agency may try to resolve their differences during the remainder of the 90-day period. If the parties are unable to resolve their differences by the end of the 90-day period, proceed to Step 6 below.</p>
6	<p>If the parties are unable to resolve the objection during the 90-day period:</p> <ul style="list-style-type: none"> • The FAA may proceed despite the state agency’s objection if: <ul style="list-style-type: none"> o The FAA clearly describes, in writing, how the action is “consistent to the maximum extent practicable” (see definition at 15 CFR § 930.32), and how full consistency is prohibited by existing law applicable to the FAA; or o The FAA has concluded that the proposed action and alternative(s) are fully consistent with the enforceable policies of the state agency, though the state agency objects. <p>In these cases, the FAA must notify the state of its decision to proceed before implementation of the action begins (see 15 CFR § 930.43(b)-(e)); or</p> <ul style="list-style-type: none"> • The FAA may delay until issues are resolved using the dispute resolution mechanism in 15 CFR §§ 930.110-930.116.

Exhibit 4-3. Coastal Consistency Flow Chart for FAA Activities^a



^a CMPA = Coastal Management Program Agency; OCRM = NOAA’s Office of Ocean and Coastal Resource Management.

Consistency Consultation Process for Applicants Seeking an FAA License, Permit, or Other Authorization to Conduct Activities

The FAA may not issue a license, permit, or other authorization to an applicant to conduct activities unless an applicant’s proposed action meets the consistency requirements of the state’s coastal management program.

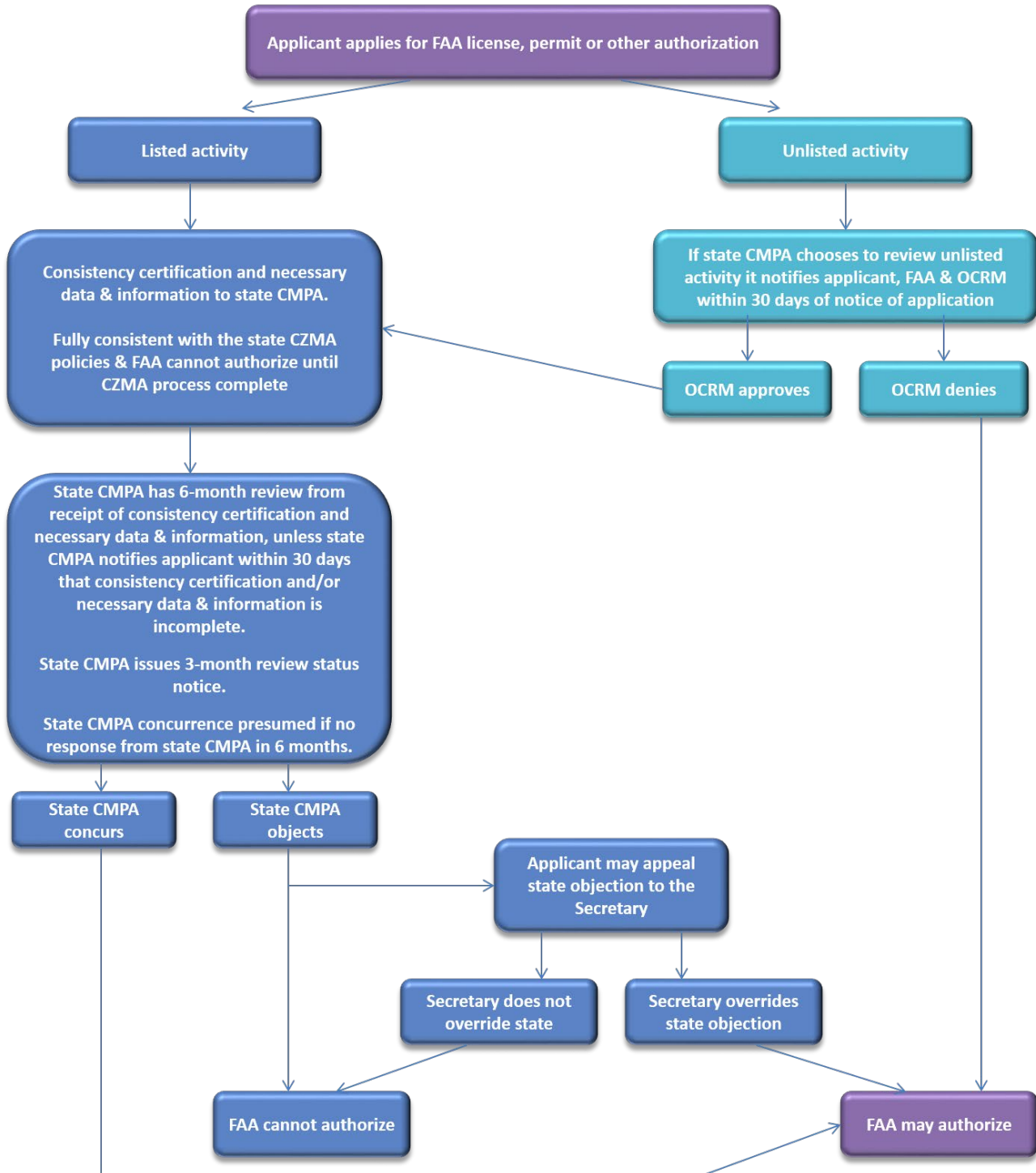
A license or permit means any authorization that an applicant is required by law to obtain in order to conduct activities affecting any land or water use or natural resource of the coastal zone and that any federal agency is empowered to issue to an applicant. The consistency consultation process for applicants seeking an FAA license, permit, or other authorization is described in Exhibit 4-4 and Exhibit 4-5 below. FAA practitioners should encourage applicants to informally obtain the views and assistance of a state agency regarding its management program's applicability to the proposed activities in order to expedite the required consistency consultation process.

Exhibit 4-4. Consistency Consultation Process for Applicant Seeking an FAA License, Permit, or Other Authorization

Step	Action
1	<p>The applicant determines if the FAA license, permit, or other authorization being applied for is listed as an activity in the state agency's coastal management plan.</p> <ul style="list-style-type: none"> • If the activity is not listed, proceed to Step 2 below (see light blue unlisted activity path in Exhibit 4-5). If the activity is listed, proceed to Step 4 below (see dark blue listed activity path in Exhibit 4-5).
2	<p>The applicant or the FAA provides written notice of the submission of an application for an FAA license, permit or other authorization for an unlisted activity to the state agency (see 15 CFR § 930.54(a)(2)) for review.</p> <p>a) The state agency decides if it wants to review the activity for consistency.</p> <ul style="list-style-type: none"> o If the state agency chooses not to review the unlisted activity, the FAA may issue the license, permit, or other authorization. The FAA should include any correspondence between the applicant and the state agency in the FAA's NEPA documentation (e.g., as an appendix). *note that the agency waives its right to review the unlisted activity if it does not respond within 30 days from the notice of the submission of an application for an FAA license, permit, or other authorization. o If the state agency chooses to review the unlisted activity, proceed to Step 3 below. <p>b) The applicant may seek expeditious consensus from state agency (see 15 CFR § 930.54 (f)) and proceed to Step 5 below.</p>
3	<p>If the state agency chooses to review the unlisted activity, the state agency will notify the applicant and the FAA, and request approval for the review from NOAA's Office of Ocean and Coastal Resource Management (OCRM). OCRM may issue a decision within 30-days from receipt of the state agency notice (see 15 CFR § 930.54(b)).</p> <ul style="list-style-type: none"> • If OCRM denies the review request, the FAA may issue the license, permit, or other authorization. The FAA should include any correspondence between the applicant, the state agency, and OCRM in the FAA's NEPA documentation (e.g., as an appendix). • If OCRM approves the review request, the applicant must follow the steps for a listed activity. Proceed to Step 5 below (see dark blue listed activity path in Exhibit 4-5).
4	<p>If the license, permit, or other authorization is a listed activity under the state's coastal management plan, the applicant determines whether the action would take place in the coastal zone or outside the coastal zone.</p> <ul style="list-style-type: none"> • If the action would take place outside the coastal zone, the applicant determines if the action would take place in a designated geographic location identified for the particular action in that state's coastal management program agency (see 15 CFR § 930.53(a)(1)). <ul style="list-style-type: none"> o If the action would take place outside of the coastal zone and in a geographic location not identified for the particular action in the state's coastal management program, the applicant must follow the steps for an unlisted activity (see Steps 2 and 3 and light blue unlisted activity path in Exhibit 4-5). • If the action would take place inside the coastal zone or outside the coastal zone and in a

Step	Action
	designated geographic location listed in that state's coastal management program, proceed to Step 5 below.
5	<p>The applicant prepares a consistency certification and necessary data and information and submits it to the state agency (see 15 CFR §§ 930.57-930.58).</p> <ul style="list-style-type: none"> • The state agency has 6 months to review the consistency certification, data, and information (15 CFR § 930.62). <ul style="list-style-type: none"> ◦ The state agency may delay its review if insufficient information is submitted by the applicant, the state agency must notify the applicant and the FAA within 30 days of receipt of the insufficient information (see 15 CFR § 930.60). <p>The state agency will issue the applicant a 3-month review status notice to the applicant and the FAA (see 15 CFR § 930.62).</p>
6	<p>State Agency Review:</p> <ul style="list-style-type: none"> • If the state agency concurs, the FAA may issue the license, permit, or other authorization. The FAA should include any documentation between the applicant and the state agency, including the consistency certification and the state agency's concurrence letter, in the FAA's NEPA documentation (e.g., as an appendix). <p>If the FAA does not receive a response from the state agency after 6 months, state concurrence with the certification is presumed (15 CFR § 930.62(a))</p> <p>If the state agency objects, the FAA may not issue the license, permit, or other authorization. Proceed to Step 7 below.</p>
7	<p>If the state agency objects to the consistency certification, the applicant may appeal the objection to the Secretary of Commerce who may override the state agency objection (see 15 CFR part 930, subpart H).</p> <ul style="list-style-type: none"> • If the Secretary overrides the state agency objection, the FAA may issue the license, permit, or other authorization. The FAA should include any documentation between the applicant, the state agency, and the Secretary in the FAA's NEPA documentation (e.g., as an appendix). <p>If the Secretary does not override the state objection, the FAA may not issue the license, permit, or other authorization.</p>

Exhibit 4-5. Coastal Consistency Flow Chart for Applicant Seeking FAA License, Permit, or Other Authorization



4.1.1.2. Coastal Barrier Resources Act

If a proposed action or its alternative(s) would occur on land within the Coastal Barrier Resources System (CBRS) and involve FAA financial assistance for development, the FAA must initiate consultation with the U.S. Fish and Wildlife Service (USFWS) to solicit comments on the proposed action. The USFWS maintains maps that can be used to determine if barrier resources exist within a project site.¹ The USFWS must have the opportunity to comment on the proposed action before the FAA may make a decision to implement the proposed action. The USFWS will determine if the proposed action is consistent with the CBRA by meeting one of its exceptions (see 16 U.S.C. § 3505). Any consultation documentation that results from coordination under the CBRA should be included in the FAA's NEPA documentation (e.g., as an appendix). Project-related impacts on biotic coastal resources and water quality may be described in the NEPA document's CBRA section or in the sections of the NEPA document addressing these biotic and water quality issues.

4.1.1.3. National Marine Sanctuaries Act

The National Marine Sanctuaries Act (NMSA) provides the authority for NOAA's Office of National Marine Sanctuaries to issue regulations for sanctuaries, requires preparation of management plans, and authorizes NOAA's Office of National Marine Sanctuaries to assess civil penalties. The NMSA requires federal agencies whose actions are "likely to destroy, cause the loss of, or injure a sanctuary resource" to consult with NOAA before taking action. Applications for permits to conduct activities otherwise prohibited by the NMSA must include: a detailed description of the proposed activity, including a timetable for completion; the equipment, personnel, and methodology to be employed; the qualifications and experience of all personnel; the potential effects of the activity, if any, on Sanctuary resources and qualities; and copies of all other required licenses, permits, approvals, or other authorizations (15 CFR § 922.48(b)). Applications must be submitted no later than 45 days before final approval of the action (16 U.S.C. § 1434). Any consultation documentation that results from coordination under the NMSA should be included in the FAA's NEPA documentation (e.g., as an appendix).

4.1.1.4. Executive Order 13089, *Coral Reef Protection*

Under Executive Order 13089, U.S. coral reef ecosystems are defined to mean those species, habitats, and other natural resources associated with coral reefs in all maritime areas and zones subject to the jurisdiction or control of the United States. When a proposed FAA action may affect U.S. coral reef ecosystems, the FAA should, subject to the availability of appropriations, provide for implementation of measures needed to research, monitor, manage, and restore affected ecosystems, including, but not limited to, measures reducing impacts from pollution, sedimentation, and fishing. To the extent consistent with statutory responsibilities and procedures, these measures should be developed in cooperation with the U.S. Coral Reef Task Force and fishery management councils and in consultation with affected states, territorial, commonwealth, and local government agencies, tribes, nongovernmental organizations, the scientific community, and commercial interests as part of the U.S. Coral Reef Initiative. Refer to the National Action Plan for Coral Reef Conservation at: <https://www.coralreef.gov/assets/about/CRTFAxnPlan9.pdf> and NOAA's Coral Reef Information System (CoRIS) at: <http://coris.noaa.gov/> for further information regarding impacts

¹John H. Chafee Coastal Barrier Resources System maps are available at: <https://www.fws.gov/program/coastal-barrier-resources-act/maps-and-data>

to coral reefs and marine protected areas.

4.2. Affected Environment

When defining the study area for coastal resources, be sure to consider indirect impacts that may result from construction or operations activities such as light emissions, noise, air emissions, or changes to water quality or quantity.

The following sources may be useful in gathering information regarding coastal resources:

- NOAA’s list of State Coastal Zone Boundaries at: <https://coast.noaa.gov/data/czm/media/StateCZBoundaries.pdf> to determine the boundaries of the coastal zone in the study area;
- NOAA’s OCRM Office website at: <http://coast.noaa.gov/> for additional information regarding state coastal management programs and data;
- NOAA’s Digital Coast application at: <http://coast.noaa.gov/digitalcoast/> provides multiple coastal resource data sets that can be used to address coastal resource issues;
- USFWS CBRS unit maps at: <https://www.fws.gov/program/coastal-barrier-resources-act/maps-and-data> identify designated areas of the CBRS; and
- Reef Geographic Information System online maps at: http://www.reefbase.org/gis_maps/default.aspx provide an interactive map that displays coral reef location data and information worldwide.

4.3. Environmental Consequences

Impacts to coastal resources may result from many activities, including construction within the coastal zone that leads to a loss of a natural flood control area, resulting in increased flooding in the study area. In addition, the creation of a new impermeable surface, such as a runway (even if outside of the designated CZMA coastal zone), could lead to increased runoff which could affect water quality in nearby coastal waters. An increase in facility lighting due to a proposed project could also affect wildlife such as sea turtles nesting on nearby shorelines.

4.3.1. Significance Determination

The FAA has not established a significance threshold for coastal resources in FAA Order 1050.1; however, the FAA has identified factors to consider when evaluating the context and intensity of potential environmental impacts on coastal resources (see Exhibit 4-1 of FAA Order 1050.1).

Please note that these factors are not intended to be thresholds. If these factors exist, there is not necessarily a significant impact; rather, the FAA must evaluate these factors considering context and intensity to determine if there are significant impacts. Factors to consider that may be applicable to coastal resources include, but are not limited to, situations in which the proposed action or alternative(s) would have the potential to:

- Be inconsistent with the relevant state coastal zone management plan(s);
- Impact a coastal barrier resources system unit (and the degree to which the resource would be impacted);
- Pose an impact to coral reef ecosystems (and the degree to which the ecosystem would be

affected);

- Cause an unacceptable risk to human safety or property; or
- Cause adverse impacts to the coastal environment that cannot be satisfactorily mitigated.

4.4. Mitigation

Some examples of potential measures to mitigate impacts to coastal resources include:

- Moving the proposed project outside of the coastal zone;
- Tailoring a project to promote consistency with federally-approved coastal zone management plans; and
- Incorporating any site-specific recommendations proposed by relevant Tribal, federal, or state agencies having jurisdiction over the coastal resource as a result of any consultation.

Appendix B. Coastal Resources

Federal activities affecting all environmental impact categories are governed by many statutes, regulations, and Executive Orders. Each impact category chapter of this Desk Reference (Chapters 1-14, as applicable) contains an exhibit with a tabular overview of the major applicable Federal statutes, regulations, Executive Orders, and the agencies responsible for overseeing their implementation. This appendix supplements the background information relevant to those requirements that is provided in the chapter exhibits. Please note that these requirements may not be applicable to every proposed action and should only be included when relevant to the proposed project.

B.4. Coastal Resources

The following statutes and Executive Orders govern the protection of coastal resources.

B.4.1. Coastal Barrier Resources Act

The Coastal Barrier Resources Act (CBRA) encourages the conservation of hurricane prone, biologically rich coastal barriers by restricting federal financial assistance (including disaster relief assistance provided by the Federal Emergency Management Agency [FEMA]) for development of these ecosystems. Administered by the USFWS, the CBRA established the Coastal Barrier Resources System (CBRS), a designation of relatively undeveloped coastal barriers that serve as barriers protecting the Atlantic, Gulf, and Great Lakes coasts. The CBRS currently includes 588 system units, comprising nearly 1.4 million acres of land and associated aquatic habitat. There are also 282 “Otherwise Protected Areas,” a category of coastal barriers held for conservation and recreation purposes that includes an additional 2.1 million acres of land and associated aquatic habitat.

Section 6 of the CBRA provides exemptions for federal agencies to fund certain projects within the CBRS. Under these exemptions, the FAA may, for example, provide financial support to set up, operate, or maintain navigational aids and devices that are part of the nation’s air navigation system in CBRS units. Compliance with the CBRA may require consultation with the USFWS. This Act does not address federal actions that do not involve expenditures, such as the issuance of federal permits, licenses, or other authorizations. Areas within the CBRS can be developed provided the applicant bears the full cost. However, the FAA encourages applicants to meet the requirements of the Act.

For additional information on the CBRA, see the USFWS’s website at: <http://www.fws.gov/CBRA/>, or the DOI Coastal Barrier Act Advisory Guidelines at 57 *Federal Register* 52730 (November 5, 1992).

B.4.2. Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) is a federal law which provides for management of the nation's coastal resources, including the Great Lakes. Administered by the National Oceanic and Atmospheric Administration’s (NOAA’s) Office of Ocean and Coastal Resource Management (OCRM), the CZMA was created to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation’s coastal zone.

One of the programs outlined by the CZMA is the National Coastal Zone Management Program,

which is a voluntary partnership among the federal government and coastal and Great Lakes states and territories. Under this program, state governments design unique coastal zone management programs which are subsequently approved by NOAA. Once these programs have been approved, the CZMA requires that any federal actions that could have a reasonably foreseeable impact on a state's coastal zone (even if the action occurs outside the designated coastal zone) be consistent with the approved coastal management program for that state. Fulfilling the FAA's obligations under the CZMA may require conducting consultation with the affected state's coastal management program office.

For additional information on the CZMA, including links to NOAA's CZMA regulations, see NOAA's website at: <http://coast.noaa.gov/>.

B.4.3. National Marine Sanctuaries Act

The National Marine Sanctuaries Act authorizes the Secretary of Commerce to designate and protect areas of the marine environment with special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or aesthetic qualities as national marine sanctuaries. The primary objective of this Act is to protect marine resources, such as coral reefs, sunken historical vessels, or unique habitats. The Act provides the authority to issue regulations for sanctuaries, requires preparation of management plans, authorizes NOAA's Office of National Marine Sanctuaries to assess civil penalties, and requires federal agencies whose actions are "likely to destroy, cause the loss of, or injure a sanctuary resource" to consult with NOAA before taking action.

For additional information on the National Marine Sanctuaries Act, see NOAA's website at: <http://sanctuaries.noaa.gov/about/legislation/>.

B.4.4. Executive Order 13089, *Coral Reef Protection*

Executive Order 13089, *Coral Reef Protection*, 63 *Federal Register* 32701 (June 16, 1998) requires federal agencies to identify any actions that might affect coral reef ecosystems, protect and enhance the conditions of these ecosystems, and ensure that, to the extent permitted by law, the actions carried out, authorized, or funded by federal agencies will not negatively impact or degrade coral reef ecosystems. Under this Executive Order, U.S. coral reef ecosystems are defined to mean those species, habitats, and other natural resources associated with coral reefs in all maritime areas and zones subject to the jurisdiction or control of the United States.

For additional information on:

- Executive Order 13089, see https://www.coralreef.gov/assets/meeting4/executive_order13089.pdf
- NOAA's Coral Reef Conservation Program, see <http://coralreef.noaa.gov/>

B.4.5. Executive Order 13840, *Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States*

Executive Order 13840, *Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States*, 83 *Federal Register* 29431 (June 22, 2018) aims to protect the economic use, national security, and well-being of the ocean, coastal, and Great Lakes waters of the United States by promoting the lawful use of the ocean by agencies; facilitating the economic growth of coastal communities and promoting ocean industries; coordinating the activities of Coastal Resources (last updated 6/2023)

executive departments and agencies regarding ocean-related matters; ensuring that federal regulations and decisions do not prevent the productive and sustainable use of water resources; modernizing the use of ocean-related science and information; and facilitating consultation and collaboration regarding ocean-related matters among federal, state, tribal, and local governments. This Executive Order establishes the interagency Ocean Policy Committee to ensure appropriate coordination by federal agencies on ocean-related matters. This Executive Order revokes Executive Order 13547, *Stewardship of the Ocean, Our Coasts, and the Great Lakes*, 75 *Federal Register* 43023, (July 22, 2010).

For additional information on:

- Executive Order 13840, see <https://www.govinfo.gov/content/pkg/FR-2018-06-22/pdf/2018-13640.pdf>
- NOAA's Ocean Policy Committee, see <https://www.noaa.gov/interagency-ocean-policy>