

**STATEMENT FOR THE RECORD  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
U.S. DEPARTMENT OF COMMERCE**

**BEFORE THE  
SUBCOMMITTEE ON INDIAN, INSULAR AND ALASKA NATIVE AFFAIRS  
COMMITTEE ON NATURAL RESOURCES  
UNITED STATES HOUSE OF REPRESENTATIVES**

**CONCERNING H.R. 2719**

**NOVEMBER 12, 2015**

Thank you for the opportunity for the National Oceanic and Atmospheric Administration (NOAA) to provide views on H.R. 2719, *The Tribal Coastal Resiliency Act*. This bill would amend the Coastal Zone Management Act (CZMA), which has served as a cornerstone for national coastal policy for more than 40 years. Coastal communities, including tribal communities, face increasing challenges due to changing environmental, economic, and societal conditions. NOAA appreciates the efforts of the subcommittee to use the CZMA to help tribal nations to be more resilient to changing climatic conditions.

This statement provides a general overview of the National Coastal Zone Management Program and NOAA's views on H.R. 2719.

Our nation's coastal zone is vital to the well-being of our country. It is home to roughly half of the nation's population, supports ecologically important habitats and natural resources, and is essential to our economic vitality. According to the NOAA Report on the U.S. Oceans and Great Lakes Economy, our ocean and Great Lakes economy employed 2.9 million people – more employees than telecommunications, agriculture, and building construction combined.<sup>1</sup> Businesses tied to the oceans and Great Lakes grew by 10.5 percent in Gross Domestic Product from 2011 to 2012; more than four times as fast as the U.S. economy as a whole. Coastal ports along our oceans and Great Lakes facilitated the import and export of \$1.5 trillion in waterborne cargo in 2012.

The CZMA consists of two principal programs: the National Coastal Zone Management Program and the National Estuarine Research Reserve System. NOAA administers and oversees both programs and provides a wide range of technical, educational, management, policy, and conflict resolution assistance to U.S. coastal and Great Lakes states and territories (collectively referred to as coastal states), federal agencies, and other stakeholders. NOAA coordinates and consults with tribes on CZMA matters, pursuant to applicable Executive Orders and agency guidance.

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<sup>1</sup> <https://www.coast.noaa.gov/data/docs/digitalcoast/econ-report.pdf>

The CZMA created an innovative intergovernmental National Coastal Zone Management Program to address coastal issues of national importance, including planning for coastal community resilience, sustaining coastal economies, and planning for energy facilities and development, all in the face of the effects of climate change, coastal storms, and man-made environmental accidents. The program is a voluntary partnership between coastal states and the federal government authorized by the CZMA to address national coastal issues. The program is administered by NOAA. Thirty-four of thirty-five eligible coastal states participate in the program.

To meet the goals of the CZMA, the national program takes a comprehensive approach to coastal resource management—balancing the often competing and occasionally conflicting demands of coastal resource use, economic development, and conservation. The program’s key elements include:

- Protecting natural resources;
- Managing development in high hazard areas;
- Giving development priority to coastal-dependent uses;
- Providing public access for recreation;
- Prioritizing water-dependent uses; and
- Coordinating state and federal actions.

While the CZMA includes basic requirements for coastal states, it also allows states the flexibility needed to design programs that best address local challenges and work within coastal state and local laws and regulations. By using both federal and state funds, the program strengthens the capabilities and capacities of each partner to address coastal issues. The CZMA set forth national objectives to achieve these interests and recognizes that coastal management decision-making should be at the state-level with assistance and oversight from the federal government. These federally approved state coastal management programs promote sustainable coastal development, resilient coastal communities and long-term conservation, while recognizing national objectives related to military activities, energy, ports and transportation, fishing, recreation and other economic activity.

There are many federal actions and decisions that affect coastal uses and resources. Recognizing this, Congress included a provision for state-federal coordination and cooperation for coastal management so that federal actions are consistent with the federally-approved state coastal management programs. This is called the “federal consistency” provision under section 307 of the Act (16 U.S.C. § 1456). The consistency provision applies to federal agencies, as well as non-federal entities applying for federal permits and funding. Federal consistency also applies to federal agencies taking land in trust for tribes and to tribes seeking federal permits for certain activities on tribal lands within a state’s coastal zone.

While federal consistency does not authorize states to *regulate* federal agencies, lands, waters or activities, the consistency provision requires that any proposed activities that have reasonably foreseeable effects on any land, water use, or natural resource of the coastal zone (referred to as “coastal uses or resources” or “coastal effects”) to be consistent, to the maximum extent practicable, with the enforceable

policies of federally approved state coastal management programs. The coastal zone is defined in the CZMA as coastal waters and shorelands under state jurisdiction and varies state-by-state.

NOAA supports the goals of H.R. 2719, which would assist Native American tribes living in coastal areas in preserving, protecting, and restoring the resources of the coastal zone. H.R. 2719 would authorize \$5,000,000 annually for competitive tribal coastal zone projects. Currently, Tribes are not included as a “coastal state” under CZMA § 304(4) (16 U.S.C. § 1453(4)) and are not eligible to receive CZMA grants directly from NOAA. However, under NOAA’s regulations, tribes may be allocated a portion of CZMA funds through a state’s coastal management program for projects that a state decides to fund if the state certifies such projects are compatible with its NOAA-approved coastal management program and demonstrates the projects would or could directly affect the state’s coastal zone.<sup>2</sup>

NOAA is aware of the numerous challenges facing Native American tribes in coastal areas, and works closely with them on many issues, including the President’s State, Local, and Tribal leaders Task Force on Climate Preparedness and Resilience. Most recently, NOAA and other federal agencies worked together to add tribal and Arctic themes to the Climate Resilience Toolkit, adding datasets, maps, and tool to help tribal communities plan for and adapt to climate change.

We share the Subcommittee’s interest in assisting tribes in coastal areas, and we look forward to working with the Subcommittee on HR 2719 and other tribal issues.

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<sup>2</sup> See 15 C.F.R. § 923.92(b)(2).