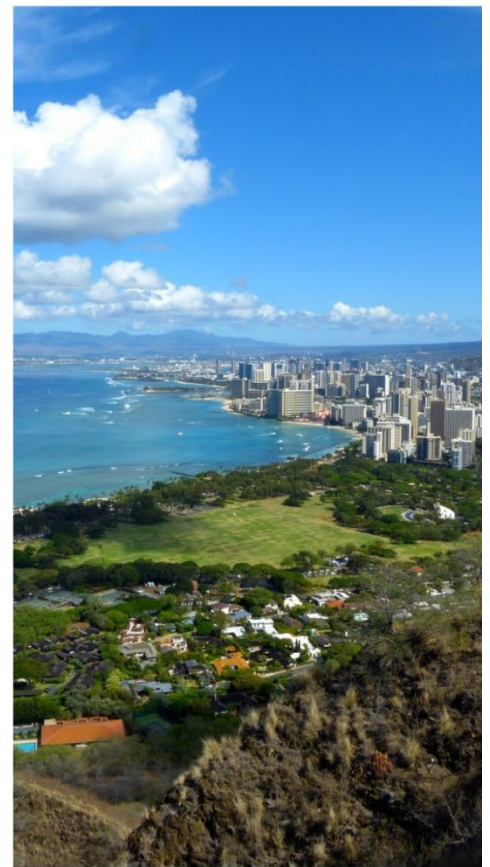
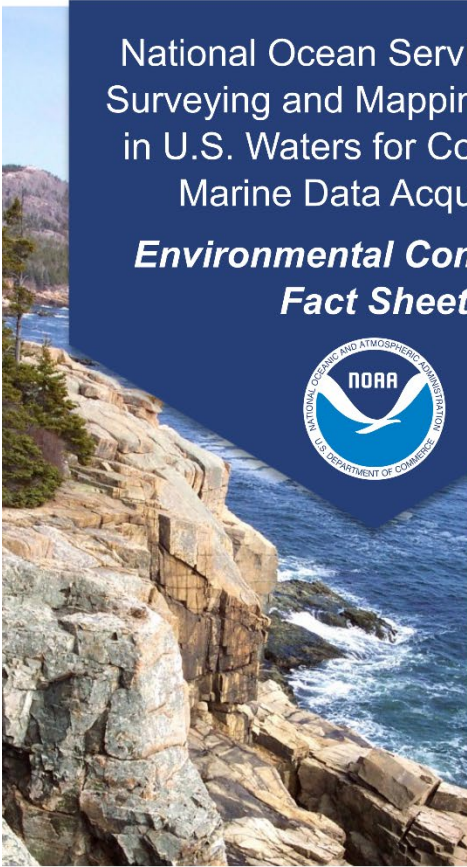


# National Ocean Service (NOS) Surveying and Mapping Projects in U.S. Waters for Coastal and Marine Data Acquisition

## **Environmental Compliance Fact Sheet**

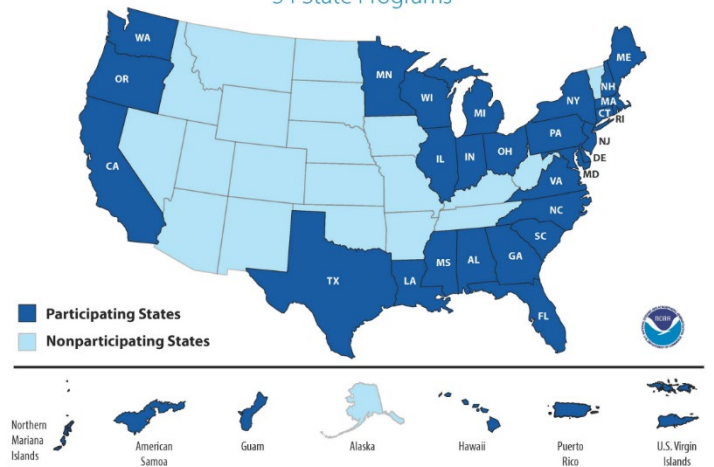


### **Coastal Zone Management Act (CZMA)**

The Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) is a voluntary partnership between the federal government and coastal states, Great Lakes states, and U.S. territories with the goals of protecting the coastal environment from growing demands associated with residential, recreational, commercial, and industrial uses. CZMA provisions help states and territories develop Coastal Management Programs (CMPs) to manage and balance competing uses of their coastal zone. Currently, 34 states and territories (all coastal states and territories except Alaska) participate in CZMA and have CMPs to best address their unique coastal challenges, including coastal development, water quality, public access, habitat protection, energy facility siting, ocean governance and planning, coastal hazards, and climate change.

#### **National Coastal Zone Management Program**

34 State Programs



### **NOS Consultation Under CZMA Section 307**

Section 307 of the CZMA is known as the “federal consistency” provision and requires that if a federal action may have an effect on any coastal use or resource within a state’s or territory’s coastal zone, the federal action must be consistent with the enforceable policies in the state’s or territory’s CMP. The term “effect on any coastal use or resource” means any reasonably foreseeable impact to a coastal use or resource resulting from the activity, including direct and indirect (i.e., cumulative and secondary) impacts.

*Photo Credit (left to right): Captain Albert E. Theberge, NOAA; Dr. Amy Scaroni, NOAA; and NOAA Teacher at Sea Program*



## NOS Consultation Under CZMA Section 307 (continued)



NOS surveying and mapping projects may occur in any state or territorial coastal zone; as such, in August 2022, NOS initiated coordination for federal consistency with all coastal states and territories with approved CMPs pursuant to Section 307. NOS submitted a consistency determination letter to each state and territory evaluating the coastal effects of NOS proposed surveying and mapping activities according to the relevant state/territory enforceable policies to seek state/territory concurrence that the proposed action was consistent with each policy, or consistent to the maximum extent practicable. After reviewing the NOS consistency determination, states and territories had the opportunity to concur, object, or request more information.

**Outcomes:** Only one CMP, the Commonwealth of the Northern Mariana Islands (CNMI), objected to NOS's determination that the NOS surveying program was consistent with the relevant coastal policies. CNMI initially objected to the NOS determination that the surveying and mapping program was consistent to the maximum extent practicable because of the potential for marine mammals to be harassed by acoustic sources, such as echo sounders. However, this objection is preempted under Section 109(a) of the Marine Mammal Protection Act (MMPA), 16 U.S.C. § 1379(a).

For all other coastal states and territories, NOS either received or presumed concurrence from the CMP.

Through the CZMA process, some states requested that NOS follow state-specific best management practices (BMPs) involving pre-survey notification and mitigation for any land disturbance. Where requested, NOS agreed to take these steps.



**Photo Credit (left to right):** NOS Image Gallery; Robert Schwemmer, NOAA; Brian Cluer, NOAA; and Captain Albert E. Theberge, NOAA