

110TH CONGRESS
2^D SESSION

H. R. 5452

To amend the Coastal Zone Management Act of 1972 to authorize grants to coastal States to support State efforts to initiate and complete surveys of coastal State waters and Federal waters adjacent to a State's coastal zone to identify potential areas suitable or unsuitable for the exploration, development, and production of renewable energy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2008

Mrs. CAPPS (for herself, Mr. DELAHUNT, Ms. BORDALLO, Mr. INSLEE, Mr. FARR, Mr. HINCHEY, Mr. FALEOMAVAEGA, and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Coastal Zone Management Act of 1972 to authorize grants to coastal States to support State efforts to initiate and complete surveys of coastal State waters and Federal waters adjacent to a State's coastal zone to identify potential areas suitable or unsuitable for the exploration, development, and production of renewable energy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Coastal State Renew-
3 able Energy Promotion Act of 2008”.

4 **SEC. 2. STATE OCEAN AND COASTAL RENEWABLE ENERGY**
5 **PLANNING.**

6 (a) **IN GENERAL.**—The Coastal Zone Management
7 Act of 1972 (16 U.S.C. 1451 et seq.) is amended by in-
8 serting after section 306A the following:

9 “OCEAN AND COASTAL RENEWABLE ENERGY STATE SUR-
10 VEYS; RENEWABLE ENERGY SITE IDENTIFICATION
11 AND PLANNING

12 “SEC. 306B. (a) **GRANTS TO STATES.**—The Sec-
13 retary may make grants to eligible coastal States to sup-
14 port voluntary State efforts to initiate and complete sur-
15 veys of portions of coastal State waters and Federal wa-
16 ters adjacent to a State’s coastal zone, in consultation
17 with the Minerals Management Service, to identify poten-
18 tial areas suitable or unsuitable for the exploration, devel-
19 opment, and production of renewable energy that are con-
20 sistent with the enforceable policies of coastal manage-
21 ment plans approved pursuant to section 306(d).

22 “(b) **SURVEY ELEMENTS.**—Surveys developed with
23 grants under this section shall include consideration of—

24 “(1) hydrographic and bathymetric surveys;

1 “(2) oceanographic observations and measure-
2 ments of the physical ocean environment, especially
3 seismically active areas;

4 “(3) identification and characterization of sig-
5 nificant or sensitive marine ecosystems or other
6 areas possessing important conservation, rec-
7 reational, ecological, historic, or aesthetic values;

8 “(4) surveys of existing marine uses in the
9 outer Continental Shelf and identification of poten-
10 tial conflicts;

11 “(5) inventories and surveys of shore locations
12 and infrastructure capable of supporting renewable
13 energy development;

14 “(6) inventories and surveys of offshore loca-
15 tions and infrastructure capable of supporting re-
16 newable energy development; and

17 “(7) other matters as may be necessary.

18 “(c) PARTICIPATION AND COOPERATION.—To the ex-
19 tent practicable, coastal States shall provide opportunity
20 for the participation in surveys under this section by rel-
21 evant Federal agencies, State agencies, local governments,
22 regional organizations, port authorities, and other inter-
23 ested parties and stakeholders, public and private, that is
24 adequate to develop a comprehensive survey.

1 “(d) GUIDELINES.—The Secretary shall, within 180
2 days after the date of enactment of this section and after
3 consultation with the coastal States, publish guidelines for
4 the application for and use of grants under this section.

5 “(e) ANNUAL GRANTS.—For each of fiscal years
6 2009 through 2012, the Secretary may make a grant to
7 a coastal State under this section if the coastal State dem-
8 onstrates to the satisfaction of the Secretary that the
9 grant will be used to develop a renewable energy survey
10 consistent with the requirements set forth in this section.

11 “(f) GRANT AMOUNTS.—The amount of any grant
12 under this section shall not exceed \$750,000 for any fiscal
13 year.

14 “(g) STATE MATCH.—

15 “(1) BEFORE FISCAL YEAR 2011.—The Sec-
16 retary shall not require any State matching fund
17 contribution for grants awarded under this section
18 for any fiscal year before fiscal year 2011.

19 “(2) AFTER FISCAL YEAR 2011.—The Secretary
20 shall require a coastal State to provide a matching
21 fund contribution for a grant under this section for
22 surveys of a State’s coastal waters, according to—

23 “(A) a 2-to-1 ratio of Federal-to-State con-
24 tributions for fiscal year 2011; and

1 “(B) a 1-to-1 ratio of Federal-to-State
2 contributions for fiscal year 2012.

3 “(3) LIMITATION.—The Secretary shall not re-
4 quire any matching funds for surveys of Federal wa-
5 ters adjacent to a State’s coastal zone.

6 “(h) SECRETARIAL REVIEW.—After an initial grant
7 is made to a coastal State under this section, no subse-
8 quent grant may be made to that coastal State under this
9 section unless the Secretary finds that the coastal State
10 is satisfactorily developing its survey.

11 “(i) LIMITATION ON ELIGIBILITY.—No coastal State
12 is eligible to receive grants under this section for more
13 than 3 fiscal years.

14 “(j) APPLICABILITY.—This section and the surveys
15 conducted with assistance under this section shall not be
16 construed to convey any new authority to any coastal
17 State, or repeal or supersede any existing authority of any
18 Federal agency, to regulate the siting, licensing, leasing,
19 or permitting of renewable energy facilities in areas of the
20 outer Continental Shelf under the administration of the
21 Federal Government. Nothing in this section repeals or
22 supersedes any existing coastal State authority pursuant
23 to State or Federal law.

24 “(k) PRIORITY.—Any area that is identified as suit-
25 able for potential renewable energy development under

1 surveys developed with assistance under this section shall
2 be given priority consideration by Federal agencies for the
3 siting, licensing, leasing, or permitting of renewable en-
4 ergy facilities. Any area that is identified as unsuitable
5 under surveys developed with assistance under this section
6 shall be avoided by Federal agencies to the maximum ex-
7 tent practicable.

8 “(l) ASSISTANCE BY THE SECRETARY.—The Sec-
9 retary shall—

10 “(1) under section 307(a) and to the extent
11 practicable, make available to coastal States the re-
12 sources and capabilities of the National Oceanic and
13 Atmospheric Administration to provide technical as-
14 sistance to the coastal States to develop surveys
15 under this section; and

16 “(2) encourage other Federal agencies with rel-
17 evant expertise to participate in providing technical
18 assistance under this subsection.

19 “(m) RENEWABLE ENERGY DEFINED.—In this sec-
20 tion the term ‘renewable energy’ means wind, wave, cur-
21 rent, tidal, or ocean thermal energy.”.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
23 318(a) of the Coastal Zone Management Act of 1972 (16
24 U.S.C. 1464) is amended—

1 (1) in paragraph (1)(C) by striking “and” after
2 the semicolon;

3 (2) in paragraph (2), by striking the period at
4 the end and inserting a semicolon; and

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

6 “(3) for grants under section 306B such sums
7 as are necessary; and”.

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