

118TH CONGRESS
1ST SESSION

H. R. 2735

To amend the Coastal Zone Management Act of 1972 to require the Secretary of Commerce to establish a coastal climate change adaptation preparedness and response program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2023

Mr. CARBAJAL (for himself, Mr. FITZPATRICK, and Mr. LIEU) 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 require the Secretary of Commerce to establish a coastal climate change adaptation preparedness and response program, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coastal State Climate
5 Preparedness Act of 2023”.

1 **SEC. 2. CLIMATE CHANGE PREPAREDNESS IN THE COAST-**
2 **AL ZONE.**

3 (a) IN GENERAL.—The Coastal Zone Management
4 Act of 1972 (16 U.S.C. 1451 et seq.) is amended by add-
5 ing at the end the following:

6 **“SEC. 320. CLIMATE CHANGE ADAPTATION PREPAREDNESS**
7 **AND RESPONSE PROGRAM.**

8 “(a) IN GENERAL.—The Secretary shall establish,
9 consistent with the national policies set forth in section
10 303, a coastal climate change adaptation preparedness
11 and response program to—

12 “(1) provide assistance to coastal States to vol-
13 untarily develop coastal climate change adaptation
14 plans, pursuant to approved management programs
15 approved under section 306, to minimize contribu-
16 tions to climate change and to prepare for and re-
17 duce the negative consequences that may result from
18 climate change in the coastal zone; and

19 “(2) provide financial and technical assistance
20 and training to enable coastal States to implement
21 plans developed pursuant to this section through
22 coastal States’ enforceable policies.

23 “(b) COASTAL CLIMATE CHANGE ADAPTATION
24 PLANNING AND PREPAREDNESS GRANTS.—

25 “(1) IN GENERAL.—The Secretary may make a
26 grant to any coastal State for the purpose of devel-

1 oping climate change adaptation plans pursuant to
2 guidelines issued by the Secretary under paragraph
3 (8).

4 “(2) PLAN CONTENT.—A plan developed with a
5 grant under this subsection shall include the fol-
6 lowing:

7 “(A) Identification of public facilities and
8 public services, working waterfronts, coastal re-
9 sources of national significance, coastal waters,
10 energy facilities, or other land and water uses
11 located in the coastal zone that are likely to be
12 impacted by climate change.

13 “(B) Adaptive management strategies for
14 land use to respond or adapt to changing envi-
15 ronmental conditions, including strategies to
16 protect biodiversity, protect water quality, and
17 establish habitat buffer zones, migration cor-
18 ridors, and climate refugia.

19 “(C) Adaptive management strategies for
20 ocean-based ecosystems and resources, includ-
21 ing strategies to plan for and respond to geo-
22 graphic or temporal shifts in marine resources,
23 to create protected areas that will provide cli-
24 mate refugia, and to maintain and restore
25 ocean ecosystem function.

1 “(D) Requirements to initiate and main-
2 tain long-term monitoring of environmental
3 change to assess coastal zone adaptation and to
4 adjust when necessary adaptive management
5 strategies and new planning guidelines to attain
6 the policies under section 303.

7 “(E) Other information considered nec-
8 essary by the Secretary to identify the full
9 range of climate change impacts affecting coast-
10 al communities.

11 “(3) STATE HAZARD MITIGATION PLANS.—
12 Plans developed with a grant under this subsection
13 shall be consistent with State hazard mitigation
14 plans and natural disaster response and recovery
15 programs developed under State or Federal law.

16 “(4) ALLOCATION.—Grants under this sub-
17 section shall be available only to coastal States with
18 management programs approved by the Secretary
19 under section 306 and shall be allocated among such
20 coastal States in a manner consistent with regula-
21 tions promulgated pursuant to section 306(e).

22 “(5) PRIORITY.—In the awarding of grants
23 under this subsection, the Secretary may give pri-
24 ority to any coastal State that has received grant
25 funding to develop program changes pursuant to

1 paragraphs (1), (2), (3), (5), (6), (7), and (8) of sec-
2 tion 309(a).

3 “(6) TECHNICAL ASSISTANCE.—The Secretary
4 may provide technical assistance to a coastal State
5 consistent with section 310 to ensure the timely de-
6 velopment of plans supported by grants awarded
7 under this subsection.

8 “(7) FEDERAL APPROVAL.—In order to be eligi-
9 ble for a grant under subsection (c), a coastal State
10 must have its plan developed under this subsection
11 approved by the Secretary.

12 “(8) GUIDELINES.—Not later than 180 days
13 after the date of enactment of this section, the Sec-
14 retary, in consultation with the coastal States, shall
15 issue guidelines for the implementation of the grant
16 program established under this subsection.

17 “(c) COASTAL CLIMATE CHANGE ADAPTATION
18 PROJECT IMPLEMENTATION GRANTS.—

19 “(1) IN GENERAL.—The Secretary may make
20 grants to any coastal State that has a climate
21 change adaptation plan approved under subsection
22 (b)(7), in order to support projects that implement
23 strategies contained within such plans.

24 “(2) PROGRAM REQUIREMENTS.—The Sec-
25 retary, not later than 90 days after approval of the

1 first plan approved under subsection (b)(7), shall
2 publish in the Federal Register requirements regard-
3 ing applications, allocations, eligible activities, and
4 all terms and conditions for grants awarded under
5 this subsection. No less than 30 percent, and no
6 more than 50 percent, of the funds appropriated in
7 any fiscal year for grants under this subsection shall
8 be awarded through a merit-based competitive pro-
9 cess.

10 “(3) ELIGIBLE ACTIVITIES.—The Secretary
11 may award grants to coastal States to implement
12 projects in the coastal zone to address stress factors
13 in order to improve coastal climate change adapta-
14 tion, including the following:

15 “(A) Activities to address physical disturb-
16 ances within the coastal zone, especially activi-
17 ties related to public facilities and public serv-
18 ices, tourism, sedimentation, ocean acidification,
19 and other factors negatively impacting coastal
20 waters.

21 “(B) Monitoring, control, or eradication of
22 disease organisms and invasive species.

23 “(C) Activities to address the loss, deg-
24 radation, or fragmentation of wildlife habitat
25 through projects to establish or protect marine

1 and terrestrial habitat buffers, wildlife refugia,
2 other wildlife refuges, or networks thereof, pres-
3 ervation of migratory wildlife corridors and
4 other transition zones, and restoration of fish
5 and wildlife habitat.

6 “(D) Projects, with priority given to such
7 projects that use green infrastructure solutions,
8 to reduce, mitigate, or otherwise address likely
9 impacts caused by natural hazards in the coast-
10 al zone, including sea level rise, coastal inunda-
11 tion, storm water management, coastal erosion
12 and subsidence, severe weather events such as
13 cyclonic storms, tsunamis and other seismic
14 threats, and fluctuating Great Lakes water lev-
15 els.

16 “(E) Projects to adapt existing infrastruc-
17 ture, including enhancements to both built and
18 natural environments.

19 “(F) Provision of technical training and
20 assistance to local coastal policy makers to in-
21 crease awareness of science, management, and
22 technology information related to climate
23 change and adaptation strategies.

24 “(4) PROMOTION AND USE OF NATIONAL ESTU-
25 ARINE RESEARCH RESERVES.—The Secretary shall

1 promote and encourage the use of National Estua-
2 rine Research Reserves as sites for pilot or dem-
3 onstration projects carried out with grants awarded
4 under this section.”.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
6 318(a) of the Coastal Zone Management Act of 1972 (16
7 U.S.C. 1464(a)) is amended—

8 (1) by striking “and” after the semicolon at the
9 end of paragraph (1);

10 (2) by striking the period at the end of para-
11 graph (2) and inserting “; and”; and

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

13 “(3) for grants under section 320, such sums
14 as are necessary.”.

15 (c) INTENT OF CONGRESS.—None of the amend-
16 ments made by this section shall be construed to require
17 any coastal State to amend or modify its approved man-
18 agement program pursuant to section 306(e) of the Coast-
19 al Zone Management Act of 1972 (16 U.S.C. 1455(e)) or
20 to extend the enforceable policies of a coastal State beyond
21 the coastal zone as identified in the coastal State’s ap-
22 proved management program.

○