

Appendix S

Summaries of Principal Federal and State CMP Implementing Legislation/Regulations

SUMMARIES OF PRINCIPAL FEDERAL AND STATE CMP IMPLEMENTING
LEGISLATION/REGULATIONS

1. FEDERAL COASTAL ZONE MANAGEMENT ACT (CZMA)

The federal Act that establishes the national coastal management program and its comprehensive objectives, and providing for the development and implementation of state Coastal Management Programs. Includes: Congressional findings and declarations of national coastal objectives; provisions for grants to states for the development, administration, and implementation of Coastal Management Programs (CMPs); standards for federal approval and state implementation of CMPs; requirements that the activities of federal agencies be consistent with approved CMPs; and basic standards for U.S. Department of Commerce (National Oceanic and Atmospheric Administration) and state administration and implementation of CZMA and CMP consistency provisions.

2. 15 CFR Parts 923 and 930 - U.S. Department of Commerce's National Oceanic and Atmospheric Administration (NOAA) CZMA Implementing Regulations

These regulations, applicable to and implemented by federal agencies and designated state coastal management agencies, include substantive and procedural requirements for the development, approval, implementation, monitoring, and amendments of state CMPs (15 CFR 923), including procedural and substantive consistency provisions that federal agencies are required to comply with in order to ensure federal agency activities are consistent to the maximum extent practicable with approved CMPs (15 CFR 930). Note - see 15 CFR 930.32 regarding the term "consistent to the maximum extent practicable" and the legislative intent to cause substantive changes in federal agency decision-making within the context of discretionary powers residing in such agencies.

3. NEW YORK STATE WATERFRONT REVITALIZATION OF COASTAL AREAS AND INLAND WATERWAYS ACT - Article 42, NYS Executive Law

The State legislation providing for the implementation of the CMP at the State level, including the development of Local Waterfront Revitalization Programs (LWRPs) and Harbor Management Plans (HMPs). Includes: legislative declarations of coastal policy and inland waterway objectives; functions, powers and duties of the Secretary of State in implementing the Act; establishes the coastal area and provides for amendments to it and the CMP; requirements for LWRPs and HMPs approved by the Secretary of State; delegation of certain authorities to municipalities with approved LWRPs and HMPs; requires the actions of State agencies to be consistent with State coastal policies or the policies and purposes of LWRPs and HMPs approved by the Secretary of State; provides for amendments to the State's federally approved CMP; and requires the Commissioner of the Department of Environmental Conservation to amend that agency's State Environmental Quality Review Act regulations as necessary and appropriate to assure adequate consideration of impacts on the use and conservation of coastal resources (see also SEQRA regulations).

4. 19 NYCRR Parts 600, 601, 602, 603 - NYS Department of State Regulations Implementing Article 42 of the NYS Executive Law

The Part 600 regulations are similar to federal CZMA consistency provisions, consisting of most of the State's coastal policies derived from Article 42 of the Executive Law and the State's original federally approved CMP document (see policies in 600.5), and, in 600.6, Long Island Sound Coastal

Policies that are refinements of coastal policies in the State CMP document and Article 42 and 600.5 regulations, based on the State's Long Island Sound Regional Coastal Management Program (this regional program is a federally approved amendment to the CMP). These regulations include procedural and substantive requirements that State agencies must adhere to in order to meet coastal policy and LWRP and inland waterway objectives.

The Part 601 regulations include procedural and substantive requirements for the elements and approval of LWRPs and HMPs.

The Part 602 regulations provide the means of implementing amendments to the coastal area boundary and implementing certain coastal policies by including procedures and criteria for the identification, mapping, and designation of certain fish and wildlife habitats, agricultural lands, and scenic resources of statewide significance.

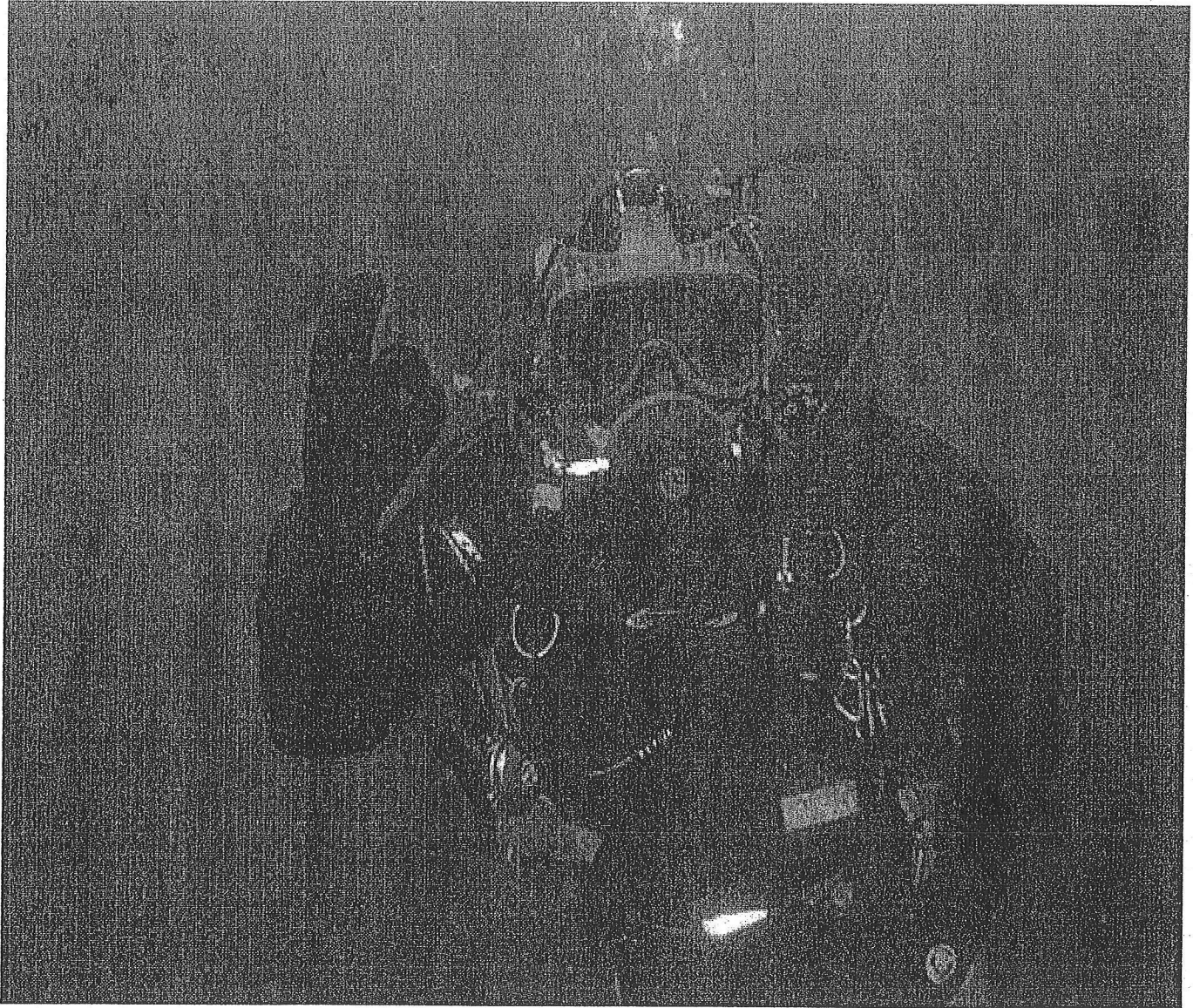
The Part 603 regulations provide for the development, required elements of, Secretary of State approval, and local government implementation of HMPs through certain local legislation.

5. 6 NYCRR Part 617 - NYS Department of Environmental Conservation State Environmental Quality Review Act regulations (adopted pursuant to Article 8, NYS Environmental Conservation Law)

These regulations implement the State's Environmental Quality Review Act, and include amendments required by Section 919.3 of the State Executive Law to ensure that State agency actions are consistent with State coastal policy and LWRP objectives. All State and local government agencies, in their discretionary decision-making (actions undertaken directly by or on behalf of, funded by, or involving authorizations by a State or local government agency), are required to comply with the substantive and procedural requirements of the Act and these implementing regulations. Amendments to the regulations in accordance with Section 919.3 of the Executive Law are in 6 NYCRR Parts 617.2(f), 617.9(b)(5)(vi), 617.11(e), and 617.12(b)(7).

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“That’s all, folks!”