

Pathways to Successful Coastal Zone Management Act Compliance for Offshore Wind Projects

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BACKGROUND

Offshore wind projects are subject to complex permitting requirements at local, state, and federal levels. The Coastal Zone Management Act of 1972 (CZMA) is one of the applicable regulatory frameworks, requiring federal agencies and non-federal entities applying for federal permits to conduct their activities in a manner consistent with the enforceable policies of state coastal management programs.

The process for obtaining CZMA concurrence can be confusing with permitting requirements varying state by state, and navigating the developer/agency dynamic can be challenging.

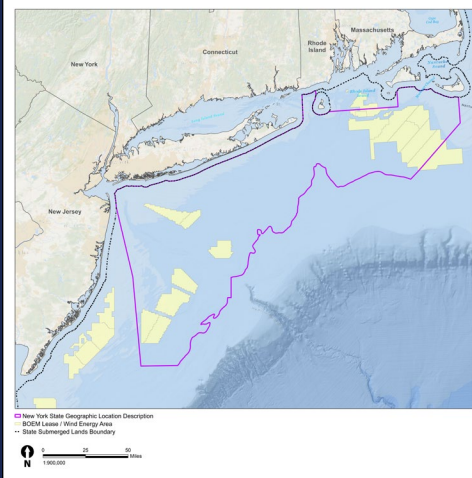
OBJECTIVE

Highlight common challenges and identify pathways to streamline the CZMA permitting process between stakeholders during NEPA.

UNDERSTANDING NEPA & CZMA

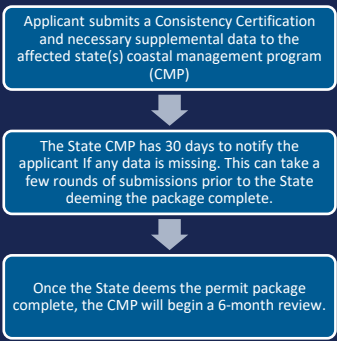
The CZMA is implemented nationally, and on a state-by-state basis, to maintain consistency with enforceable policies of a state's federally approved Coastal Zone Management Program (CZMP) or Coastal Resource Management Program (CRMP).

The combination of the CZMP and the regulations set forth at 15 Code of Federal Regulation (CFR) Part 930, subparts D, E, or F enables states with approved CZMPs to lead and authorize the coastal zone consistency review for listed activities within the regulated coastal zone or geographic location description (GLD).



CHALLENGES

- The potential for drafting multiple state applications
 - Varying state CMPs require varying data that applicants have to obtain
- Potential for prolonged state review before permitting package is completed
- Can affect the NEPA timeline
 - Completion of the CZMA is required prior to completion of NEPA
 - 90 days prior to ROD per 30 CFR 585.628(f) and 15 CFR 930.130(1).
- Stay informed on potential permitting updates



RECOMMENDATIONS AND BEST PRACTICES

- Identify the state(s) to submit a consistency certification
- As early as possible, voluntarily establish a relationship with the states
- Become familiar with the coastal management plans of that state and identify necessary permitting needs
 - Surveys
 - Data gaps
- Pursue a stay agreement with states which establishes a review period that fits within the NEPA timeline

REFERENCES

BOEM. n.d. Coastal Zone Management Act. <https://www.boem.gov/environment/environmental-assessment/coastal-zone-management-act>.
NOAA. (2021) Coastal Zone Management Act. <https://coast.noaa.gov/czm/act/>.
15 C.F.R. Part 930. <https://www.law.cornell.edu/cfr/text/15/part-930>

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