

Regulatory Authority of the States over acoustic activity, with emphasis on California

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Abstract

In the United States the Federal Coastal Zone Management Act (CZMA) designates management authority to States over federal waters off shore of the States, once a state's coastal management program is certified by the federal government. The CZMA gives state coastal management agencies regulatory control (federal consistency review authority) over all federal activities and federally licensed, permitted or funded activities affecting the coastal zone (regardless of whether they occur within, landward or seaward of the coastal zone boundary), if the activity affects the land or water uses or natural resources of the coastal zone. In California the California Coastal Commission (CCC) is the designated coastal management agency. The regulations and the regulatory processes in California under the federal CZMA and under State law (the California Coastal Act) will be discussed with respect to underwater acoustic activities. Policy evolution over the past two decades will also be examined, as well as comparisons and contrasts with procedural and policy positions taken by other states.

In addition, the discussion will include examples of mitigation requirements imposed by the States on activities that produce sound, including seismic surveys for oil and gas, geologic investigations and other research, pier and platform decommissioning, Naval activities. etc.