

April 27, 2006

Ms. Colleen S. Benner  
MMS National CIAP Coordinator  
Minerals Management Service  
381 Elden Street, MS 4040  
Herndon, VA 20170

RE: Comments on Minerals Management Service's Coastal Impact Assistance  
Program Draft Guidelines

Dear Ms. Benner:

The State of California appreciates the opportunity to comment on the draft guidelines for the Coastal Impact Assistance Program established by the Energy Policy Act of 2005 (CIAP 2005).

In our opinion, NOAA's administration of the 2001 Coastal Impact Assistance Program (2001 CIAP) offers an excellent example for administering the 2005 CIAP. In particular, the state and eligible local political subdivisions (coastal counties) were pleased with the following: 1) Timely reimbursement of reported expenditures by wire directly to the state and coastal political subdivisions; 2) non-burdensome financial and project progress reporting requirements, i.e., annually and directly to NOAA; and 3) a timely and non-burdensome process for adjusting the state's and counties' funding plans, thus allowing for maximum expenditure of CIAP funding.

We also offer the following consensus comments on the Draft CIAP Guidelines released on March 2006. In total, 3 counties responded in writing to the Resources Agency's solicitation for comments (see attached).

**Section 3.** We would appreciate publication of state and local political subdivision allocations as early as feasible. In addition, we would like to know what opportunities we may have to review MMS' methods to calculate the allocations to the states and political subdivisions. It would be preferable that we would have this opportunity prior to any formal and final announcement of the allocations.

**Section 4.** Aside from a workshop, please offer eligible recipients the opportunity to comment on the financial assistance process prior to finalizing it.

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**Section 4.2.2.** We believe the proposed definition of *infrastructure*, for purposes of CIAP, is too broad. We recognize that a definition is useful to ensure compliance with Section 31(d)(3), specifying that only 23% of CIAP funds may be used for planning assistance and the administrative costs of complying with this section, and for mitigation of the impact of OCS activities through funding of onshore infrastructure project and public service needs. However, trails, roads, and parks often are associated with authorized uses of the CIAP that carry no such restrictions; i.e., 1) projects and activities for the conservation, protection, or restoration of coastal areas, including wetland; and 2) mitigation of damage to fish, wildlife, or natural resources. Consider, for example, bridge replacement (or replacing an Arizona crossing with a bridge) solely or primarily for purposes of providing steelhead access to historic upstream breeding waters. Trails often accompany restoration projects as a means of protection, keeping the public away from sensitive areas. Roads, particularly temporary roads, are often used in habitat restoration projects. Accordingly, we ask that the MMS more generally define *infrastructure* more consistently with the intent of the enacting legislation.

**Section 5.3.2.** Sub-item two under this section appears to conflict with the third paragraph of section 5.2.6, wherein the latter allows cancellation or removal of a project from the list and replacement with another project from Tier 2 without having to amend the plan. The former characterizes removal of a project as an amendment. Please reconcile.

**Appendix E.** We note that the recommended format for proposed project descriptions is very similar to the format that California used in its first Coastal Impact Assistance Plan. State agencies and the counties found this format straightforward to use. In addition, feedback from the general public indicated that the project descriptions were easily understood and conveyed the majority of the pertinent project details. Consequently, we support this format.

Please contact me at (916) 654-0536 if you have further questions.

Sincerely,

Christopher Potter  
CIAP Coordinator  
California Resources Agency

Cc: John Smith, Mineral Management Service, Pacific OCS Region  
Doug Anthony, Santa Barbara County, Planning and Development, Energy Division  
John Euphrat, San Luis Obispo County, Department of Planning and Building  
Nancy Settle, County of Ventura RMA/Planning Division

Attachments (3)