



Citizens for Goleta Valley

P.O. Box 1564, Goleta, CA 93116-1564

August 25, 2003

Mr. David Kaiser
Federal Consistency Coordinator
Coastal Programs Division
Office of Ocean and Coastal Resource Management
National Oceanic and Atmospheric Administration
Emailed to: CZMAFC.ProposedRule@noaa.gov

Attention: Federal Consistency Energy Review Comments (Docket No. 030604145-3145-01)

Dear Mr. Kaiser:

Citizens for Goleta Valley is a grass-roots organization that promotes comprehensive planning to help us build healthy communities. We are active in monitoring oil and gas extraction in Santa Barbara County to ensure that it is developed with as few impacts on our quality of life as possible. We join the California Coastal Commission, the County of Santa Barbara, Rep. Lois Capps and 100 Congressional Representatives and the Environmental Defense Center in their concerns about the true purpose and need for the current proposed rule. We recommend that NOAA vacate the proposed rulemaking. If NOAA is convinced that the changes are in the interest of the Coastal Zone Management Act (CZMA) this process should be delayed until all documents relevant to the Energy Report have been made available to the public and have been included in the rulemaking process.

Our main objection to the proposed rule is that it will undermine the intent of the CZMA, which is to allow states to review federal action in order to take measures to protect their coastal resources. If the administration wants to weaken these rules, contrary to the intent of Congress, it should ask Congress to do so. It is offensive to our democratic system to undermine legislation through administrative action. In this case, it is even more egregious because this change seeks to undermine recent court action that confirms states' rights under the CZMA. The current process is working well, as long as the Mineral Management Service complies with the rules. A change of attitude is what is needed, not a rule change.

At the very least, this process must be transparent. It is very difficult to comment in an informed and considerate manner if proposed changes are supported by "secret documents". Again, NOAA, like any other public agency has an obligation to support proposed action with facts and evidence. Recently forged documents were used to substantiate our invasion of Iraq. As citizens, we must be scrutinize evidence even more than before. Federal agencies must work even harder

to overcome the lack of trust that now exists between the government and the public. Referencing documents not available to us to substantiate rule changes is not acceptable.

Regarding the specific rule changes we concur with the statements submitted by Santa Barbara County Board of Supervisors. From our perspective, every proposed change will result in a more disputes between federal and state agencies, rather than promoting a manageable, open process. Furthermore, it seems that NOAA has failed to understand or respect the meaning of *California v. Norton*. A lease suspension IS an activity that requires consistency review. NOAA's attempt to weaken this decision will only result in more litigation. If you really want to foster oil and gas development, you will not implement these changes, and instead, work with California. That is the only way projects will move forward.

As a citizen and taxpayer, it is very frustrating to have state agencies suing federal agencies, spending our tax dollars on endless litigation because one agency won't respect the purview of the other. I support state's rights, and the right of California to review federal action regarding our coastal resources. Despite the current administration's rhetoric, I request NOAA to do the same.

In the year 2000 there was a comprehensive update of the CZMA, where the interpretation and application of the CZMA was thoroughly studied. At that time the issues presented by the proposed changes were addressed. We see the current proposal contrary to the CZMA, and an inefficient use of staff time. We believe it would serve your interests, oil interests and California's interest if you would focus on the implementation of the CZMA.

Thank you for your consideration,

Diane Conn
Program Director