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August 21, 2003

Honorable Donald L. Evans  
Secretary  
United States Department of Commerce  
1401 Constitution Avenue, NW  
Washington, D.C. 20230

Dear Secretary Evans:

I am writing to request that you withdraw the changes to the Federal Consistency regulations proposed by the National Oceanic and Atmospheric Administration on June 11, 2003. These proposed changes are unnecessary and weaken the rights granted to states under the Coastal Zone Management Act (CZMA).

After extensive consultation with states, federal agencies, industry and the public, comprehensive amendments to the Federal Consistency regulations were adopted in December 2000. New Jersey has found these regulations provide sufficient clarity and guidance to successfully conduct Federal Consistency reviews and work with federal agencies to design projects that are consistent with state coastal management programs. This is evidenced by the acknowledgement in the proposal summary that states have concurred with approximately 93% of all federal actions reviewed.

The CZMA is a partnership between coastal states and the federal government. The federal consistency provision of the CZMA provides states the opportunity to influence federal actions in and effecting their coastal zone. Federal consistency is an essential tool for states to protect and manage their coastal resources. These proposed amendments are objectionable because they weaken the Federal consistency provision of the CZMA which, as stated in the summary of the proposed rule, "is the cornerstone of the CZMA program and a primary incentive for states to participate."

This letter supplements New Jersey's technical comments on the proposed rulemaking amending the CZMA Federal Consistency Regulations (15 CFR Part 930, Federal

Register, Volume 68, Number 112, June 11, 2003, Docket 030604145-3145-01)  
submitted by letter of July 18, 2003.

Sincerely,

Ernest P. Hahn  
Assistant Commissioner

c: David Kaiser, Federal Consistency Coordinator  
NOAA