

August 25, 2003

The Honorable Don Evans  
Secretary  
United States Department of Commerce  
Fourteenth and Constitution Avenues, N.W.  
Washington, D.C. 20230

David M. Kaiser  
Federal Consistency Coordinator  
Office of Ocean and Coastal Resource Management  
National Oceanic and Atmospheric Administration  
1305 East-West Highway, 11<sup>th</sup> Floor  
Silver Spring, MD 20910  
Sent via email to CZMAFC.ProposedRule@noaa.gov

RE: June 11, 2003 Federal Register Notice, Volume 68, Number 112, page 34851, Proposed Rule - Changes to the Federal Consistency Regulations 15 CFR Part 930, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce

Dear Secretary Evans and Mr. Kaiser:

I am writing in strong opposition to the Department of Commerce's proposed changes to the Coastal Zone Management Act regarding federal consistency determination. As Chair of the California State Assembly Committee on Natural Resources and Chair of the California State Assembly Coastal Caucus, I represent a broad constituency that has a vested interest in ensuring that the coastal zone is protected from any potential harm to public health, safety, or the environment. Even before the days of the 1969 oil spill that ravaged the coastline of the Santa Barbara area, Californians have maintained a strong commitment to protecting the environment.

Unfortunately, my review of the Department's proposal has determined that these values would be compromised if the proposed changes go into effect.

As you know, the Coastal Zone Management Act delegates consistency review authority over federal actions that may affect the coast to the coastal states. Over time, California

has developed a comprehensive Coastal Zone Management Plan to protect its coastline from adverse environmental impacts.

For 30 years, the State of California and the federal government have enjoyed this partnership whereby the Department of Commerce has established rules to oversee activities in federal waters offshore California, and the State has maintained the authority to ensure that those activities operate within parameters that are in the best interest of all Californians. Indeed, it is this deferral to the state agencies that are most in tune with California's immediate needs and goals that has allowed this effective partnership to continue.

In a recent decision (State of California v. Norton, (2002) 02 C.D.O.S. 11546), the 9<sup>th</sup> Circuit Court of Appeals upheld this partnership, confirming the state's right to ensure the continued protection and preservation of our shorelines and coastal waters. However, the proposed revisions fly in the face of this decision and the long-term relationship that has existed.

The proposal contains several potentially harmful changes to existing law, including:

- imposing unrealistic deadlines for state review;
- making it more difficult for a state to obtain the information it needs to evaluate a proposed plan;
- reducing the weight given to a state's opinion on a proposed CZMA usage;
  
- potentially exempting major proposals from state review, such as offshore oil and gas development, even though the projects may impact the coastal zone of the affected state;
- virtually eliminating states from the process of considering appeals from states' objections to CZMA approvals; and
- overturning the recent federal court decision upholding states' authority to review certain federal offshore oil drilling decisions, as noted above.

Since the inception of the existing federal/state partnership, two National Marine Sanctuaries have been created, surrounding Monterey Bay, and the Channel Islands, which are directly adjacent to areas subject to potential oil and gas development. Also, California's recreation and tourism businesses have grown into multi-billion dollar industries. Any revisions to the Coastal Zone Management Act that might increase or extend oil production offshore California will have a major impact on California's coastal environment and coastal-dependent economies and industries. Increased offshore oil development, production and transportation create well-recognized threats to our coastal communities. Oil spills and leaks endanger habitat and marine ecosystems, cause airborne pollution and toxic gas releases, cause losses in the commercial fishing and tourism industries, reduce quality of life for residents, lower property values and restrict public coastal access.

As our population increases and demands on resources are greater than ever before, we have continually fought to maintain our precious coastline, viewsheds, and public access, and we have substantially improved our coastal water quality. The current proposal by the Department of Commerce would undermine our efforts and potentially destroy what the vast majority of Californians hold in highest regard.

For these reasons, I urge you to withdraw the proposed revisions to the Coastal Zone Management Act.

Very truly yours,

HANNAH-BETH JACKSON  
Chair, Assembly Committee on Natural Resources  
Chair, Assembly Coastal Caucus