



KENAI PENINSULA BOROUGH

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MAYOR

Mr. David Kaiser
Federal Consistency Coordinator
Coastal Programs Division, Office of Coastal Resource Management
National Oceanic and Atmospheric Administration
1305 East-West Highway, 11th Floor
Silver Spring, Maryland 20910

August 25, 2003

Re: Coastal Zone Management Act Federal Consistency Regulations (15 CFR 930)
proposed rule

Dear Mr. Kaiser,

The Federal Coastal Zone Management Act of 1972 states in its Congressional Findings, Section 302(a): The Congress finds that there is a national interest in the effective management, beneficial use, protection, and development of the coastal zone. Congressional Declaration of Policy, Section 303 states:

The Congress finds and declares that it is the national policy-

- (1) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the nation's coastal zone for this and succeeding generations:*
- (2) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and aesthetic values as well as the needs for economic development*

The Kenai Peninsula Borough Coastal Management Program was developed under state and federal auspices to provide local information and policies that carry out the objectives of the Alaska Coastal Management Program. 15 CFR 930.1 (b) states that the regulations strike "a balance between the need to ensure consistency for federal actions affecting any coastal use or resource with the enforceable policies of approved management programs and the importance of federal activities." As a broad statement, the local district agrees with this statement, yet concurs with the Coastal States Organization statement that the Federal government has failed to adequately demonstrate

the need to change these regulations, except for perceived problems, especially in light of the fact of revisions to these regulations already in recent years.

State and local involvement is not intended to duplicate or unnecessarily encumber federal decision making for resources and activities. We are sure that both state and local processes are dedicated to help insure timely, responsible decision-making in resource management, very much in line with 930.1 (c) which states the goal to “foster intergovernmental cooperation and minimize duplicative effort and unnecessary delay, while making certain the federal consistency requirement of the Act are satisfied.”

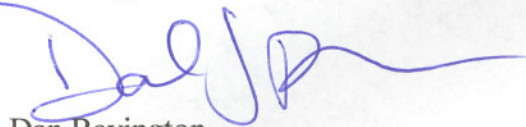
In limiting opportunities for involvement, we note that regulatory requirements will likely reduce the ability for governments to affectively participate. Further, when public or other local entities are not well versed in all regulatory language (local, state and federal) and when comments are deemed valid only when referencing specific policies and regulations, there is much potentially lost in meaningful decision making for all coastal areas of Alaska. In Alaska, there is tremendous local knowledge and perspective that must be included in effective decision-making. The proposed regulations will limit the ability to incorporate these important perspectives in critical, and potentially far-reaching decisions in federal waters, which are largely encompassed by public and private lands, as in the Cook Inlet.

While the Kenai Peninsula Borough Coastal District encourages new development, with consideration of state and federal laws, and local policies regarding resources within the region, the credibility of Federal Consistency Regulation is significantly endangered by performing regulatory changes that will likely result in greater, not less, ambiguity in federal decision making.

From the local district perspective, we concur with the August 22, 2003 letter by Mr. Tony MacDonald, Executive Director of the Coastal States Organization to your office.

Thank you for the opportunity to comment.

Sincerely,



Dan Bevington
Coastal District Coordinator

CC: (Electronic Only):
Max Best, KPB
Sylvia Kreel, ADNR
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