

United States Senate

WASHINGTON, D.C. 20510

August 20, 2003

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

Dear Secretary Evans:

We are writing to express our deep concern with the National Ocean and Atmospheric Administration's proposed rule to revise certain sections of the Coastal Zone Management Act (CZMA) Federal Consistency regulations. We strongly believe the proposed rule serves no legitimate purpose and constitutes an assault on states' rights.

As the head of the Department of Commerce, you understand that coastal areas are among the greatest assets of coastal states. They currently support numerous industrial uses. They also provide tourist and recreational attractions for countless people every year. Millions of people already live and work in coastal areas. For these reasons, coastal states have a strong vested interest in their coastal areas.

The landmark federal Coastal Zone Management Act of 1972 is the only land and water use planning and management law at the national level. It represents a unique and carefully crafted partnership between coastal states and the federal government. Through this partnership, the CZMA has given states and local coastal governments a meaningful voice in federal actions and decisions that directly affect the environmental quality of their local communities.

And the CZMA works. NOAA's preamble to the proposed rule says only two federal agencies and the oil and gas industry sought changes to the CZMA. All others that commented said NOAA should take no action because no problems have emerged with the current regulations. NOAA's preamble also notes that in the thirty years since the CZMA was enacted, and after decisions on more than 16,000 proposed plans, the Secretary has only had to rule on 14 appeals by the oil and gas industry.

Despite this apparently strong general support for the CZMA and its successful track record, NOAA is proposing radical changes. We believe the proposed changes are inconsistent with, and fail to implement, the CZMA and would substantially weaken the states' abilities to safeguard their coastal resources.

The proposal is rife with objectionable and harmful changes. Rather than address them in detail in this letter, we call your attention to some of the broader effects that the changes will cause. For example, the proposed changes would:

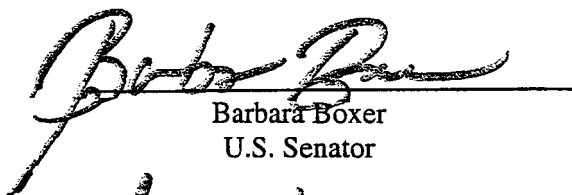
- make it more difficult for a state to obtain the information it needs to evaluate a proposed plan, and impose unrealistic deadlines for state review;
- reduce the weight given to a state's opinion on a proposed CZMA usage;
- potentially exempt major proposals from state review, such as offshore oil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

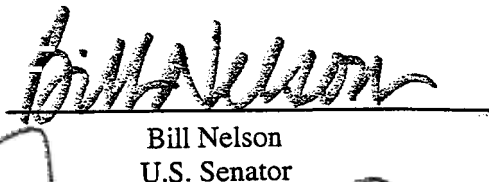
Taken together, these changes would essentially strip the coastal states of any meaningful authority to control the ways in which their coastal areas are used. The proposed changes would turn the CZMA into a partnership between the federal government and oil and gas interests, to the detriment of coastal states.

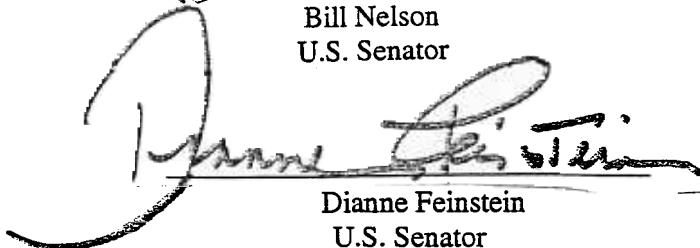
The proposed rule is a clear attempt to short-circuit procedures designed to ensure state participation in decision-making. The rule changes will strip states of an equal voice in decisions that could have significant adverse effects on local coastal communities and coastal resources. The proposed rules will, if enacted, do irreparable harm to this federal-state partnership so effectively implemented during the past three decades. Therefore, we strongly urge you to withdraw the proposed rule changes.

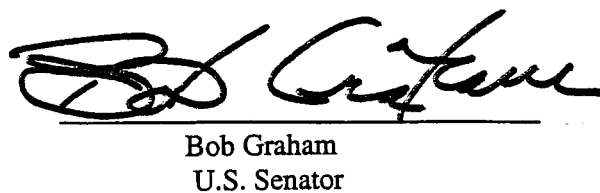
Thank you for your consideration of this request and please let us know your views on this matter.

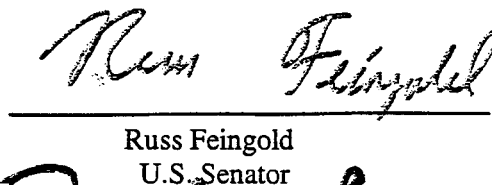
Sincerely,


Barbara Boxer
U.S. Senator

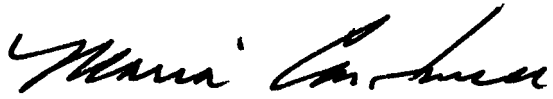

Bill Nelson
U.S. Senator


Dianne Feinstein
U.S. Senator

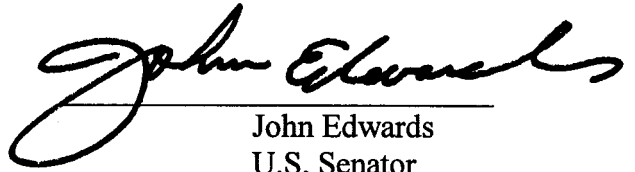

Bob Graham
U.S. Senator


Russ Feingold
U.S. Senator

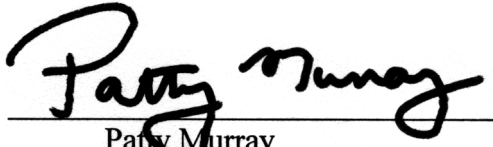

Frank R. Lautenberg
U.S. Senator



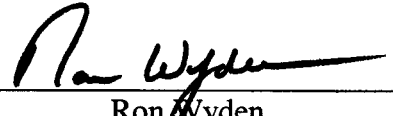
Maria Cantwell
U.S. Senator



John Edwards
U.S. Senator



Patty Murray
U.S. Senator



Ron Wyden
U.S. Senator