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April 25, 2019

Mr. Kerry Kehoe
Federal Consistency Specialist
Office for Coastal Management, NOAA
1305 East-West Highway, 10th Floor, N/OCM6
Silver Spring, MD 20910
Attention: CZMA Federal Consistency ANPR Comments

Re: Procedural Changes to the Coastal Zone Management Act Federal Consistency Process; 84 Fed. Reg. 8,628 (March 11, 2019); Dkt. No. 180215185-8185-01; RIN 0648-BH78

Dear Mr. Kehoe:

On behalf of our collective members and supporters, we thank you for the opportunity to comment on the National Oceanic and Atmospheric Administration's (NOAA) advanced notice of proposed rulemaking (ANPR) for procedural changes to the Coastal Zone Management Act (CZMA) federal consistency review

process.¹ As detailed below, we find no rationale for NOAA to weaken state consistency review – including review related to Outer Continental Shelf (OCS) oil and gas leasing, exploration, development and production processes – through the adoption of arbitrary measures which serve to reduce the amount of time and options available for states to weigh in with concerns. We respectfully urge NOAA to halt any efforts to undermine states’ legal authority under the CZMA to review federal actions which may conflict with approved coastal management plans and the wishes and wellbeing of their citizens.

The purpose of the CZMA is to give coastal states “a strong voice in federal agency decision-making, which they otherwise would not have, for activities that may affect a state’s coastal uses and resources.”² States are provided the opportunity to review federal government actions – including OCS oil and gas activities – to determine whether they are consistent with their state coastal management plans, and to offer changes or object to the proposed actions.³

Our organizations share grave concerns that changes designed to improve “efficiency” and “predictability” as proposed in the ANPR will weaken the states’ ability to exercise their legal rights under the CZMA to object to offshore activities that are inconsistent with the states’ approved coastal management plans. Such changes would undermine the CZMA’s declared intent to encourage state engagement in the coastal zone⁴ and its promise of federal consistency in exchange for state adoption and implementation of federally approved coastal management programs. Neither NOAA⁵ nor the Congressional Research Service⁶ have identified any current problems with the CZMA federal consistency process.

It is concerning that potential state consistency review changes are being rolled out at a time when many coastal states and communities have acted to oppose the Administration’s draft proposed program for offshore oil and gas leasing because the benefits simply do not outweigh the economic and environmental costs.⁷ Protecting states’ roles in guiding development off their shores is more critical now than ever.

We urge NOAA to forgo efforts to alter the CZMA federal consistency process or to weaken states’ ability to object to offshore drilling related activities. We appreciate the opportunity to provide our comments on the ANPR and will continue to be engaged in this process moving forward.

Sincerely,

Diane Hoskins, Campaign Director
Oceana

Sarah Chasis, Senior Director, Oceans
Natural Resources Defense Council

Linda Krop, Chief Counsel
Environmental Defense Center

Richard Charter, Senior Fellow
The Ocean Foundation

¹ Procedural Changes to the Coastal Zone Management Act Federal Consistency Process, 84 Fed. Reg. 8,628 (Mar. 11, 2019), <https://www.govinfo.gov/content/pkg/FR-2019-03-11/pdf/2019-04199.pdf>.

² NOAA Office for Coastal Management, *Federal Consistency*, <https://coast.noaa.gov/czm/consistency/> (last visited April 4, 2019).

³ CZMA, 16 U.S.C. § 1456(c).

⁴ CZMA, 16 U.S.C. § 1452.

⁵ The ANPR issued by NOAA does not mention any current problems with the CZMA federal consistency process. See Procedural Changes to the Coastal Zone Management Act Federal Consistency Process, 84 Fed. Reg. 8,628 (Mar. 11, 2019), <https://www.govinfo.gov/content/pkg/FR-2019-03-11/pdf/2019-04199.pdf>

⁶ See, e.g., Congressional Research Service, *Coastal Zone Management Act (CZMA): Overview and Issues for Congress* (Jan. 15, 2019), <https://crsreports.congress.gov/product/pdf/R/R45460>.

⁷ Oceana, *Clean Coast Economy* (Mar. 2018) (noting that new offshore drilling threatens over 2.6 million jobs and roughly \$180 billion in GDP for only two years’-worth of oil and one year’-s-worth of gas).

Nikos Pastos, Environmental Sociologist
Alaska's Big Village Network

Susan Inman, Altamaha Coastkeeper
Altamaha Riverkeeper

Sarah Winter Whelan, Ocean Policy Program
Director, American Littoral Society

Marce Gutiérrez-Graudiņš,
Founder, Executive Director, Azul

Thomas Kies, President
Business Alliance for Protecting the Atlantic
Coast

Susan Jordan, Executive Director
California Coastal Protection Network

Jim Taylor, Vice President
Carpinteria Valley Association

Brett Hartl, Government Affairs Director
Center for Biological Diversity

David Kyler, Executive Director
Center for a Sustainable Coast

Mary Ellen Brooks, Co-President
Citizens Planning Association of Santa Barbara
County

Marie Lakin, Executive Director
Citizens for Responsible Oil and Gas

Peter Blair, Policy Attorney
Clean Ocean Action

Lynn Thorp, National Campaigns Director
Clean Water Action

RL Miller, Political Director
Climate Hawks Vote

Larry Baldwin, Executive Director
Coastal Carolina Riverwatch

Cea Higgins, Executive Director
Coastwalk/ California Coastal Trail Association

Thomas Robben, Research Chair
Connecticut Ornithological Association

Jennifer Felt, Ocean Campaign Director
Conservation Law Foundation

Larry Baldwin, Waterkeeper
Crystal Coast Waterkeeper

Katie Taylor, Coordinator
Defenders of Wildlife

Cynthia Mathews, Secretary
Democratic Party of Santa Cruz County,
California

Vicki Weeks, Georgia State Coordinator
Dogwood Alliance

Brettny Hardy, Staff Attorney
Earthjustice

Tara Thornton, Deputy Director
Endangered Species Coalition

Morgan Patton, Executive Director
Environmental Action Committee of West
Marin

Rachel Binah, Chair Emeritus
Environmental Caucus, Ca. Democratic Party

Erik DuMont, Public Lands Conservation
Campaign Director
Environment America

Ana Rizo-Centino, Senior Organizer- Santa
Barbara County
Food & Water Watch

Marcia Keever, Director, Oceans and Vessels
Program, Friends of the Earth

Codi Norred, Program Director
Georgia Interfaith Power and Light

Cathy J. Sakas, Chair, Board of Trustees
Gray's Reef National Marine Sanctuary
Foundation

Louise Franklin, Executive Director
Greater Farallones Association

Mark Magana, President & CEO
GreenLatinos

Dede Shelton, Executive Director
Hands Across the Sand/ Land

Nancy Shrodes, Associate Director of Policy &
Outreach
Heal the Bay

Hillary Hauser, Executive Director
Heal the Ocean

Cynthia Sarthou, Executive Director
Healthy Gulf

Paul Laura, Environmental Officer
Hutchinson Island Preservation Initiative

Vicki Goldstein, Founder & Executive Director
Inland Ocean Coalition

Mark Palmer, Associate Director
International Marine Mammal Project of Earth
Island Institute

Jessica Jones Capparell, Policy and Legislative
Affairs Senior Manager
League of Women Voters of the United States

Karen Forget, Executive Director
Lynnhaven River NOW

Lance Morgan, President
Marine Conservation Institute

Jack Clarke, Director of Public Policy
Mass Audubon

Cheryl Nenn, Riverkeeper
Milwaukee Riverkeeper

Katie Cubina, Senior Vice President
Mystic Aquarium

Erik Schneider, Policy Analyst
National Audubon Society

Julia Sanders, Deputy Director
National Fisheries Conservation Center

Ani Kame'enui, Legislative Director
National Parks Conservation Association

Vikki Spruill, President and CEO
New England Aquarium

Amy MacKown, Communications Coordinator
Northwest Atlantic Marine Alliance

William Rossiter, Vice President
NY4WHALES

Michael Stocker, Director
Ocean Conservation Research

Rob Moir, Ph.D., Executive Director
Ocean River Institute

Damon Mullis, Riverkeeper/ Executive Director
Ogeechee Riverkeeper

Phillip Johnson, Executive Director
Oregon Shores Conservation Coalition

Alex Levinson, Executive Director
Pacific Environment

Jeffrey Benoit, President
Restore America's Estuaries

Richard Nelson
F/V Pescadero

Kira Redmond, Executive Director
Santa Barbara Channelkeeper

Ken Hough, Executive Director
Santa Barbara County Action Network

Laura Early, Executive Director and
Riverkeeper
Satilla Riverkeeper

Lisa Goodman, Director of Development
Savannah-Chatham Sustainability Coalition

Dave Mewborn, Outreach Coordinator
Savannah Riverkeeper

Katherine O’Dea, Executive Director
Save Our Shores

Tracy Brown, Director
Save the Sound

Robert W. Davidson, President & CEO
Seattle Aquarium

Michael Stocker, President
Seven Circles Foundation

Athan Manuel, Director, Lands Protection
Program, Sierra Club

Peg Howell, Spokesperson
SODA – Stop Offshore Drilling in the Atlantic

Alex Kearns, Chair
St. Marys EarthKeepers

Pete Stauffer, Environmental Director
Surfrider Foundation

Susanne Moser, Ph.D., Director
Susanne Moser Research & Consulting

Terra Duff, Director
TerraScapes Environmental

M. ‘Peach’ Hubbard, President
The Dolphin Project

Bill Mott, Executive Director
The Ocean Project

Maria Procopio, Executive Director
Tybee Island Marine Science Center

Mark Swingle, Chief of Research &
Conservation
Virginia Aquarium & Marine Science Center

Lee Francis, Deputy Director
Virginia League of Conservation Coteers

Collen Weiler, Jessica Rekos Fellow
Whale and Dolphin Conservation

Larry Baldwin, Interim Executive Director
White Oak- New Riverkeeper Alliance

Zachary Plopper, Conservation Director
WILDCOAST

cc:

Wilbur Ross
Secretary
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230
TheSec@doc.gov

David Bernhardt
Acting Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240
feedback@ios.doi.gov

Walter Cruickshank
Acting Director
Bureau of Ocean Energy Management
1849 C Street NW
Washington, DC 20240
walter.cruickshank@boem.gov