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United States Senate

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

WASHINGTON, DC 20510-6125

October 15, 2002

President George W. Bush
The White House
Washington, DC 20500

Dear Mr. President:

We are writing to express our concerns regarding the Advance Notice of Proposed Rulemaking (ANPR) issued by the Department of Commerce on July 2, 2002, and potential changes to the consistency regulations promulgated under the Coastal Zone Management Act (CZMA). We oppose any changes to the consistency regulations that would limit states' authority to review offshore activities that may affect state coastal resources, or otherwise alter the federal-state partnership under the CZMA.

The CZMA was enacted 30 years ago to establish a voluntary program to encourage states to plan comprehensively for coastal resource management and economic development. Thirty-four of the thirty-five eligible states, commonwealths and territories have adopted federally approved coastal management plans. The consistency provisions are a key feature of the federal-state partnership established under the CZMA. The consistency provisions ensure that federal activities, licenses and permits are consistent with state policies, all of which must first be reviewed and approved by federal agencies as part of a federally approved coastal management program. The protection of the national interest is preserved under the CZMA. The CZMA consistency provisions provide a process to resolve controversies through early consultation and coordination among the state and federal agencies.

The ANPR is not specific as to what changes to the consistency regulations are being contemplated by the Secretary of Commerce, and provides little by way of justification for changes at this time. The consistency regulations promulgated under the CZMA were only recently amended, after extensive public review and comment. Those amendments include many revisions designed to simplify the process and to improve consultation and coordination. It is unclear why any additional changes are warranted. We suggest that no further action be taken to amend the consistency regulations until the current regulations have been given time to work.

With the growing pressures along our Nation's coastal and marine areas, we urge the Administration to join us in supporting reauthorization of the CZMA, and preserving the states' rights under the Act to review federal activities, licenses and permits to determine their effects on state resources. The Administration should take no further action to amend the consistency regulation until

our Committee has had the opportunity to solicit input from all stakeholders and to hold necessary hearings to review any alleged problems with the implementation of the consistency regulations.

Sincerely,

Ernest F. Hollings, Chairman
Committee on Commerce, Science and Transportation

John McCain, Ranking Member
Committee on Commerce, Science and Transportation

John F. Kerry, Chairman
Subcommittee on Oceans, Atmosphere and Fisheries

Olympia J. Snowe, Ranking Member
Subcommittee on Oceans, Atmosphere and Fisheries