



600 Pennsylvania Avenue S.E. · Suite 340 · Washington, D.C. 20003

E-mail: coast@coastalliance.org · Website: www.coastalliance.org

Tel: 202/546-9554 · Fax: 202/546-9609

Coast alliance

BOARD OF DIRECTORS*

Jack Archer
University of Massachusetts Boston

John Atkin
Save the Sound

Dery Bennett
American Littoral Society

Scott Burns
World Wildlife Fund

Marby Causey
Florida Keys Environmental Fund

David Conrad
National Wildlife Federation

Tim Eichenberg
Center for Marine Conservation

Hon. Thomas B. Evans, Jr.
The Evans Group
Former Member of Congress

Ilia Fehrer
Worcester Environmental Trust

Emily Green
Sierra Club, Great Lakes Program

Michael Hirshfield, Ph.D.
Chesapeake Bay Foundation

Jessica Landman
Natural Resources Defense Council

Pamela Leisinger
United Auto Workers

Kevin McAllister
Peconic BayKeeper

David J. Miller
National Audubon Society of New York State

Todd Miller
North Carolina Coastal Federation

Vivian Newman
Sierra Club

Ann Nothoff
Natural Resources Defense Council

Ann Powers
Pace Law School

Cynthia Sarthou
Gulf Restoration Network

Bob Shavelson
Cook Inlet Keeper

Peter Shelley
Conservation Law Foundation

Curt Spalding
Save The Bay

Boyce Thorne-Miller
SeaWeb/Ocean Advocates

Dr. Robert Wilder
Pacific Whale Foundation

Margaret Wooster
Great Lakes United

Cindy Zipf
Clean Ocean Action

Executive Director:
Jacqueline Savitz

September 30, 2002

David Kaiser

Federal Consistency Coordinator

Coastal Programs Division

Office of Ocean & Coastal Resource Management

NOAA

1305 East-West Highway, 11th floor

Silver Spring, MD 20910

Attention: Federal Consistency Energy Review Comments

Dear Mr. Kaiser:

On behalf of our coalition of over 600 groups nationwide working on coastal issues, I am writing to express our deep disagreement with the Administrations advance notice of proposed rulemaking which appeared in the Federal Register on July 2, 2002 with reference to potential changes to federal consistency regulations adopted from Section 307 of the Coastal Zone Management Act (CZMA).

This proposed rulemaking would severely compromise existing federal consistency review regulations, which were recently agreed upon by all parties interested in coastal zone management – including industries and the states. Any proposal that categorizes which Federal activities are subject to state review, or any proposal that impinges on a state's right to protect its own coastal resources is unwarranted and demonstrates bad faith from the Federal government. Rather than a mere refinement, this change in rules would upset the delicate balance of a 30-year system that has as its very core cooperation between coastal states and the Federal government.

As you know, the Coastal Zone Management Act (CZMA) of 1972 is a voluntary program that provides incentives for coastal states and territories to plan and manage their coastal resources. The CZMA has fostered strong federal-state partnerships to address the concerns of coastal communities, and has helped communities

*organizational affiliations of Board Members listed for identification purposes only

Processed chlorine free recycled paper, with 20% postconsumer fiber, printed with soy ink

conserve valuable coastal resources, provide public access, reduce marine debris, manage coastal development, and protect open space.

One of the Act's most significant achievements is its federal consistency provision, allowing states to enforce their management plans against all potentially harmful activities – including those perpetuated by the federal government. This provision gives states with federally-approved coastal management programs the authority to evaluate federal activity that may effect a State's coastal zone to ensure that such activities are as consistent as possible with state's coastal zone management plans and policies. When Congress gave states this authority, it was in acknowledgement of the fact that the Federal government must balance its own interests against those of the states. Furthermore, the Congress knew and states have confirmed that unless federal agency actions are consistent with state coastal zone management plans, the national interest of CZMA's goals would be subverted.

The proposed rule clearly violates Congressional intent in this regard.

Therefore, I urge you to withdraw the advanced notice of proposed rule-making and to instead work cooperatively with members of Congress, the states, and coastal community groups with vested interests in protecting our nation's coastal resources.

Sincerely,



Dawn Hamilton
Executive Director
Coast Alliance