

that would demote states to a backseat position on actions happening in their own area of concern.

The CZMA made a pledge to states in 1972: in return for voluntarily joining the CZMA, states would receive federal funding to help manage and conserve state coastal resources, and would work as partners with the federal government in decisions affecting state coastal resources. An integral part of that partnership was the recognition by the federal government that its actions had to be consistent with a state's own plans and policies for its coastal zone.

Over the years, that consistency partnership has been further refined and expanded. In 1990, under President George Bush, Congress spoke to the consistency provision during its reauthorization of the CZMA. States were explicitly granted the authority to review federally conducted, or licensed and permitted, activities that could affect the land or water resources of the coastal zone. The location of the activity was secondary to the impacts it could lead to, making it clear that actions occurring on land, in coastal waters, or out at sea that could lead to effects, were the legitimate subject of state review.

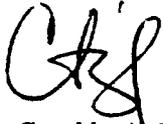
As you know, NOAA spent five years reviewing and updating the consistency regulations to align them with the clear authority that Congress had articulated. Public comment periods were held, along with meetings with states, environmental groups, citizen leaders, businesses, and other stakeholders. The proposed changes to the consistency regulations were analyzed, discussed, refined, and reviewed over this five year process, which culminated in the January 2001 enactment of the new consistency regulations.

Despite the completion of this public process, a month later, Vice President Cheney's Energy Task Force convened behind closed doors in discussions that would impact the new consistency regulations. These meetings did not include the broad constituency that helped to craft the new regulations, rather, energy industry representatives were invited to the table, and conservation and citizen interests were shown the door. For example, Energy Secretary Spencer Abraham met with more than 100 representatives from the energy industry and trade associations from late January through May 17, 2001, when the Task Force released its Energy Report. Environmentalists requested a meeting with Secretary Abraham and with Vice President Cheney, and both requests were denied. In a series of closed-door meetings held over a few months, the five year process of developing the consistency regulations -- a process during which the public, state governments, and industry itself were participants -- was altered in favor of changes to consistency that will make it easier to develop offshore energy reserves and harder for states to protect state coastal resources.

NOAA admits in the ANPR that the changes it is suddenly contemplating to consistency are prompted by, "NOAA's evaluation of the [Administration's] Energy Report" Such an evaluation that alters specific legislative changes hammered out and passed by Congress (elected officials who are accountable to citizens around the country) and dismisses a five-year process that invited citizen and state input, as well as input by industry, in favor of changes made by energy industry representatives is a great disappointment.

If there is an environmental issue with which the U.S. public is painfully familiar, it is the ecological devastation caused by oil spills, from Santa Barbara in 1969 to the Exxon Valdez. Again and again, voters in California, Florida, New Jersey, Massachusetts, Oregon, Washington, and other coastal states have rejected unwise energy development off their coasts. State governments, also accountable to their citizens, have responded by carefully crafting state policies that mirror the conservation and protection objectives embraced by the state and its denizens.

On behalf of the many organizations in the mid-Atlantic we represent, Clean Ocean Action calls on NOAA to conclude that any changes to the consistency provision are unwarranted. The coasts and oceans need NOAA's leadership and defense. We call on NOAA to rise to *this* challenge.



Cynthia A. Zipf
Recipient, NOAA's Coastal Steward of
the Year Award, 1997
Executive Director
Clean Ocean Action

Sincerely,



Beth A. Millemann
Recipient, NOAA's Coastal Steward
of the Year Award, 1994
National Policy Coordinator
Clean Ocean Action