

**GOVERNOR GRAY DAVIS**

October 3, 2002

The Honorable Donald L. Evans
Secretary
U.S. Department of Commerce
14th & Constitution Ave. NW
Washington, D.C. 20230

Re: July 2, 2002, Federal Register Notice, Advance Notice of Proposed Rulemaking (ANPR), Procedural Changes to the Federal Consistency Process 15 CFR Part 930.

Dear Secretary Evans:

I have long supported the Coastal Zone Management Act (CZMA) and want to ensure that its provisions for protecting the nation's coastal and ocean resources are not compromised. In this regard I am deeply concerned with the findings of the National Energy Policy Development Group convened by Vice-President Cheney that pose questions regarding this landmark statute. The findings suggest the need for additional inquiry regarding the effectiveness, definition of information requirements, and clarity of deadlines for compliance with the consistency provisions of the CZMA and the Outer Continental Shelf Lands Act (OCSLA).

It is my understanding, however, that just two years ago the Clinton Administration went through a comprehensive evaluation of these consistency provisions with the full participation of federal and state agencies, industry, and the public. That broad-based evaluation led to National Oceanic and Atmospheric Administration's (NOAA) December 8, 2000 publication of a comprehensive revision to the Federal Consistency regulations. I strongly question the need to reopen this issue and engage in further evaluations.

The attached comments by the California Coastal Commission and the San Francisco Bay Conservation and Development Commission provide an extensive point-by-point response to the questions raised in the Federal Register Notice. We believe that these comments provide ample evidence of the remarkable success of the existing consistency process in protecting the environment, while taking into full consideration national interests concerning energy and mineral extraction, national security, military needs, and port development.

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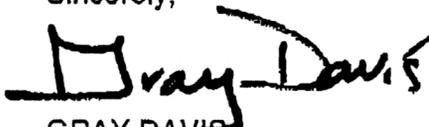


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My position is clear: I believe that the federal consistency provisions of the Coastal Zone Management Act are already well addressed in California -- a view that is apparently shared by NOAA's Office of Coastal Resource Management (OCRM) in their recent evaluation of the implementation of the California program. I can see no justification at this time for moving forward with yet another rulemaking process. I do want to make clear, however, that if a rulemaking is inadvisably initiated, I will oppose any proposed regulations that reduce the level of protection currently afforded to coastal and ocean resources.

Thank you for the opportunity to comment on this Proposed Notice of Rulemaking. After reviewing our comments, I hope that you will agree with me that there is no justification at this juncture for moving forward with yet another extensive and costly rulemaking process.

Sincerely,



GRAY DAVIS

cc: David M. Kaiser, Federal Consistency Coordinator, OCRM