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Congress of the United States
House of Representatives

September 19, 2002

Mr. David Kaiser
Federal Consistency Coordinator, Coastal Programs Division
Office of Ocean and Coastal Resource Management
National Oceanic and Atmospheric Administration
1305 East-West Highway, 11th Floor
Silver Spring, MD 20910

Attn: Federal Consistency Energy Review Comments

Dear Mr. Kaiser:

I am writing with regard to the Administration's advance notice of proposed rulemaking (ANPR), published on July 2, 2002, and to submit my comments on potential changes to federal consistency regulations adopted pursuant to section 307 of the Coastal Zone Management Act (16 USC 1451).

I would like to offer my general support for a letter submitted to you by a number of my colleagues, including Representatives Jim Saxton and Lois Capps. Mr. Saxton, Mrs. Capps and others expressed concern regarding the potential scope of both substantive and procedural changes to existing consistency regulations, which may occur as a result of the ANPR.

I agree with my colleagues' assertions regarding the National Oceanic and Atmospheric Administration's (NOAA) recently concluded multi-year assessment of consistency regulations and the critical importance the consistency review process plays in effectively managing the nation's coastal zone while maintaining the rights of states. NOAA revised its consistency rules based on concerns and interests of numerous stakeholders, including the oil and gas industry, coastal developers and coastal communities. The agency rose to the challenge of balancing interests of diverse parties, considering the potential adverse impact of coastal development, and maintaining the ability of states to have a voice in determining the scope of coastal impacts from federal and private activities.

I appreciate the agency's efforts to address some of the outstanding concerns of the oil and gas industry as expressed by the President's National Energy Policy Development Group. However, we have yet to see if the desired effects will result from the recent well-vetted rule changes. Although there may be some merit to setting a deadline by which the record of decision for consistency appeals must be completed, overall I believe, as do many of my colleagues, the current consistency regulations should remain intact.

Thank you for considering these comments. I look forward to your reply.

Sincerely,


Wayne T. Gilchrest

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