

**DEADLINE FOR SIGN ON: COB Tuesday, April 23, 2019**

**[DATE]**

Mr. Kerry Kehoe  
Federal Consistency Specialist  
Office for Coastal Management, NOAA  
1305 East-West Highway, 10th Floor, N/OCM6  
Silver Spring, MD 20910  
Attention: CZMA Federal Consistency ANPR Comments

**Re: Procedural Changes to the Coastal Zone Management Act Federal Consistency Process; 84 Fed. Reg. 8,628 (March 11, 2019); Dkt. No. 180215185-8185-01; RIN 0648-BH78**

Dear Mr. Kehoe:

On behalf of our collective members and supporters, we thank you for the opportunity to comment on the National Oceanic and Atmospheric Administration's (NOAA) advanced notice of proposed rulemaking (ANPR) for procedural changes to the Coastal Zone Management Act (CZMA) federal consistency review process.<sup>1</sup> As detailed below, we find no rationale for NOAA to weaken state consistency review – including review related to Outer Continental Shelf (OCS) oil and gas leasing, exploration, development and production processes – through the adoption of arbitrary measures which serve to reduce the amount of time and options available for states to weigh in with concerns. We respectfully urge NOAA to halt any efforts to undermine states' legal authority under the CZMA to review federal actions which may conflict with approved coastal management plans and the wishes and wellbeing of their citizens.

The purpose of the CZMA is to give coastal states “a strong voice in federal agency decision-making, which they otherwise would not have, for activities that may affect a state’s coastal uses and resources.”<sup>2</sup> States are provided the opportunity to review federal government actions – including OCS oil and gas activities – to determine whether they are consistent with their state coastal management plans, and to offer changes or object to the proposed actions.<sup>3</sup>

Our organizations share grave concerns that changes designed to improve “efficiency” and “predictability” as proposed in the ANPR will weaken the states’ ability to exercise their legal rights under the CZMA to object to offshore activities that are inconsistent with the states’ approved coastal management plans. Such changes would undermine the CZMA’s declared intent to encourage state engagement in the coastal zone<sup>4</sup> and its promise of federal consistency in exchange for state adoption and implementation of federally approved coastal management programs. Neither NOAA<sup>5</sup> nor the Congressional Research Service<sup>6</sup> have identified any current problems with the CZMA federal consistency process.

It is concerning that potential state consistency review changes are being rolled out at a time when many coastal states and communities have acted to oppose the Administration’s draft proposed program for offshore oil and gas leasing because the benefits simply do not outweigh the economic and environmental costs.<sup>7</sup> Protecting states’ roles in guiding development off their shores is more critical now than ever.

We urge NOAA to forgo efforts to alter the CZMA federal consistency process or to weaken states’ ability to object to offshore drilling related activities. We appreciate the opportunity to provide our comments on the ANPR and will continue to be engaged in this process moving forward.

Sincerely,

**Oceana \* Environmental Defense Center \* Natural Resources Defense Council \* The Ocean Foundation**  
**Add Your Organization**

cc:

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<sup>1</sup> Procedural Changes to the Coastal Zone Management Act Federal Consistency Process, 84 Fed. Reg. 8,628 (Mar. 11, 2019), <https://www.govinfo.gov/content/pkg/FR-2019-03-11/pdf/2019-04199.pdf>.

<sup>2</sup> NOAA Office for Coastal Management, *Federal Consistency*, <https://coast.noaa.gov/czm/consistency/> (last visited April 4, 2019).

<sup>3</sup> CZMA, 16 U.S.C. § 1456(c).

<sup>4</sup> CZMA, 16 U.S.C. § 1452.

<sup>5</sup> The ANPR issued by NOAA does not mention any current problems with the CZMA federal consistency process. See Procedural Changes to the Coastal Zone Management Act Federal Consistency Process, 84 Fed. Reg. 8,628 (Mar. 11, 2019), <https://www.govinfo.gov/content/pkg/FR-2019-03-11/pdf/2019-04199.pdf>

<sup>6</sup> See, e.g., Congressional Research Service, *Coastal Zone Management Act (CZMA): Overview and Issues for Congress* (Jan. 15, 2019), <https://crsreports.congress.gov/product/pdf/R/R45460>.

<sup>7</sup> Oceana, *Clean Coast Economy* (Mar. 2018) (noting that new offshore drilling threatens over 2.6 million jobs and roughly \$180 billion in GDP for only two years'-worth of oil and one year's-worth of gas).