

**Oceana \* Environmental Defense Center \* Natural Resources Defense Council \* The Ocean Foundation \* Alaska's Big Village Network \* Altamaha Riverkeeper \* American Littoral Society \* Azul \* Business Alliance for Protecting the Atlantic Coast \* California Coastal Protection Network \* Carpinteria Valley Association \* Center for Biological Diversity \* Center for a Sustainable Coast \* Citizens for Responsible Oil and Gas \* Citizens Planning Association of Santa Barbara County \* Clean Ocean Action \* Clean Water Action \* Climate Hawks Vote \* Coastal Carolina Riverwatch \* Coastwalk \* California Coastal Trail Association \* Connecticut Ornithological Association \* Conservation Law Foundation \* Crystal Coast Waterkeeper \* Defenders of Wildlife \* Democratic Party of Santa Cruz County, California \* Dogwood Alliance \* Earthjustice \* Endangered Species Coalition \* Environmental Action Committee of West Marin \* Environmental Caucus, Ca. Democratic Party \* Environment America \* Food & Water Watch \* Friends of the Earth \* Georgia Interfaith Power and Light \* Gray's Reef National Marine Sanctuary Foundation \* Greater Farallones Association \* GreenLatinos \* Hands Across the Sand/ Land \* Heal the Bay \* Heal the Ocean \* Healthy Gulf \* Hutchinson Island Preservation Initiative \* Inland Ocean Coalition \* International Marine Mammal Project of Earth Island Institute \* League of Women Voters of the United States \* Lynnhaven River NOW \* Marine Conservation Institute \* Mass Audubon \* Milwaukee Riverkeeper \* Mystic Aquarium \* National Audubon Society \* National Fisheries Conservation Center \* National Parks Conservation Association \* New England Aquarium \* Northwest Atlantic Marine Alliance \* NY4WHALES \* Ocean Conservation Research \* Ocean River Institute \* Ogeechee Riverkeeper \* Oregon Shores Conservation Coalition \* Pacific Environment \* Restore America's Estuaries \* Santa Barbara County Action Network \* Satilla Riverkeeper \* Savannah-Chatham Sustainability Coalition \* Savannah Riverkeeper \* Save Our Shores \* Save the Sound \* Seattle Aquarium \* Seven Circles Foundation \* Sierra Club \* SODA – Stop Offshore Drilling in the Atlantic \* St. Marys EarthKeepers \* Surfrider Foundation \* Susanne Moser Research & Consulting \* TerraScapes Environmental \* The Dolphin Project \* The Ocean Project \* Tybee Island Marine Science Center \* Virginia Aquarium & Marine Science Center \* Virginia League of Conservation Voters \* Whale and Dolphin Conservation \* White Oak- New Riverkeeper Alliance \* WILD COAST**

April 25, 2019

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,

Diane Hoskins, Campaign Director  
Oceana

Sarah Chasis, Senior Director, Oceans  
Natural Resources Defense Council

Linda Krop, Chief Counsel  
Environmental Defense Center

Richard Charter, Senior Fellow  
The Ocean Foundation

---

<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).

Nikos Pastos, Environmental Sociologist  
Alaska's Big Village Network

Susan Inman, Altamaha Coastkeeper  
Altamaha Riverkeeper

Sarah Winter Whelan, Ocean Policy Program  
Director, American Littoral Society

Marce Gutiérrez-Graudiņš,  
Founder, Executive Director, Azul

Thomas Kies, President  
Business Alliance for Protecting the Atlantic  
Coast

Susan Jordan, Executive Director  
California Coastal Protection Network

Jim Taylor, Vice President  
Carpinteria Valley Association

Brett Hartl, Government Affairs Director  
Center for Biological Diversity

David Kyler, Executive Director  
Center for a Sustainable Coast

Mary Ellen Brooks, Co-President  
Citizens Planning Association of Santa Barbara  
County

Marie Lakin, Executive Director  
Citizens for Responsible Oil and Gas

Peter Blair, Policy Attorney  
Clean Ocean Action

Lynn Thorp, National Campaigns Director  
Clean Water Action

RL Miller, Political Director  
Climate Hawks Vote

Larry Baldwin, Executive Director  
Coastal Carolina Riverwatch

Cea Higgins, Executive Director  
Coastwalk/ California Coastal Trail Association

Thomas Robben, Research Chair  
Connecticut Ornithological Association

Jennifer Felt, Ocean Campaign Director  
Conservation Law Foundation

Larry Baldwin, Waterkeeper  
Crystal Coast Waterkeeper

Katie Taylor, Coordinator  
Defenders of Wildlife

Cynthia Mathews, Secretary  
Democratic Party of Santa Cruz County,  
California

Vicki Weeks, Georgia State Coordinator  
Dogwood Alliance

Brettny Hardy, Staff Attorney  
Earthjustice

Tara Thornton, Deputy Director  
Endangered Species Coalition

Morgan Patton, Executive Director  
Environmental Action Committee of West  
Marin

Rachel Binah, Chair Emeritus  
Environmental Caucus, Ca. Democratic Party

Erik DuMont, Public Lands Conservation  
Campaign Director  
Environment America

Ana Rizo-Centino, Senior Organizer- Santa  
Barbara County  
Food & Water Watch

Marcia Keever, Director, Oceans and Vessels  
Program, Friends of the Earth

Codi Norred, Program Director  
Georgia Interfaith Power and Light

Cathy J. Sakas, Chair, Board of Trustees  
Gray's Reef National Marine Sanctuary  
Foundation

Louise Franklin, Executive Director  
Greater Farallones Association

Mark Magana, President & CEO  
GreenLatinos

Dede Shelton, Executive Director  
Hands Across the Sand/ Land

Nancy Shrodes, Associate Director of Policy &  
Outreach  
Heal the Bay

Hillary Hauser, Executive Director  
Heal the Ocean

Cynthia Sarthou, Executive Director  
Healthy Gulf

Paul Laura, Environmental Officer  
Hutchinson Island Preservation Initiative

Vicki Goldstein, Founder & Executive Director  
Inland Ocean Coalition

Mark Palmer, Associate Director  
International Marine Mammal Project of Earth  
Island Institute

Jessica Jones Capparell, Policy and Legislative  
Affairs Senior Manager  
League of Women Voters of the United States

Karen Forget, Executive Director  
Lynnhaven River NOW

Lance Morgan, President  
Marine Conservation Institute

Jack Clarke, Director of Public Policy  
Mass Audubon

Cheryl Nenn, Riverkeeper  
Milwaukee Riverkeeper

Katie Cubina, Senior Vice President  
Mystic Aquarium

Erik Schneider, Policy Analyst  
National Audubon Society

Julia Sanders, Deputy Director  
National Fisheries Conservation Center

Ani Kame'enui, Legislative Director  
National Parks Conservation Association

Vikki Spruill, President and CEO  
New England Aquarium

Amy MacKown, Communications Coordinator  
Northwest Atlantic Marine Alliance

William Rossiter, Vice President  
NY4WHALES

Michael Stocker, Director  
Ocean Conservation Research

Rob Moir, Ph.D., Executive Director  
Ocean River Institute

Damon Mullis, Riverkeeper/ Executive Director  
Ogeechee Riverkeeper

Phillip Johnson, Executive Director  
Oregon Shores Conservation Coalition

Alex Levinson, Executive Director  
Pacific Environment

Jeffrey Benoit, President  
Restore America's Estuaries

Richard Nelson  
F/V Pescadero

Kira Redmond, Executive Director  
Santa Barbara Channelkeeper

Ken Hough, Executive Director  
Santa Barbara County Action Network

Laura Early, Executive Director and  
Riverkeeper  
Satilla Riverkeeper

Lisa Goodman, Director of Development  
Savannah-Chatham Sustainability Coalition

Dave Mewborn, Outreach Coordinator  
Savannah Riverkeeper

Katherine O’Dea, Executive Director  
Save Our Shores

Tracy Brown, Director  
Save the Sound

Robert W. Davidson, President & CEO  
Seattle Aquarium

Michael Stocker, President  
Seven Circles Foundation

Athan Manuel, Director, Lands Protection  
Program, Sierra Club

Peg Howell, Spokesperson  
SODA – Stop Offshore Drilling in the Atlantic

Alex Kearns, Chair  
St. Marys EarthKeepers

Pete Stauffer, Environmental Director  
Surfrider Foundation

Susanne Moser, Ph.D., Director  
Susanne Moser Research & Consulting

Terra Duff, Director  
TerraScapes Environmental

M. ‘Peach’ Hubbard, President  
The Dolphin Project

Bill Mott, Executive Director  
The Ocean Project

Maria Procopio, Executive Director  
Tybee Island Marine Science Center

Mark Swingle, Chief of Research &  
Conservation  
Virginia Aquarium & Marine Science Center

Lee Francis, Deputy Director  
Virginia League of Conservation Coteers

Collen Weiler, Jessica Rekos Fellow  
Whale and Dolphin Conservation

Larry Baldwin, Interim Executive Director  
White Oak- New Riverkeeper Alliance

Zachary Plopper, Conservation Director  
WILDCOAST

cc:

Wilbur Ross  
Secretary  
U.S. Department of Commerce  
1401 Constitution Avenue NW  
Washington, DC 20230  
[TheSec@doc.gov](mailto:TheSec@doc.gov)

David Bernhardt  
Acting Secretary  
U.S. Department of the Interior  
1849 C Street NW  
Washington, DC 20240  
[feedback@ios.doi.gov](mailto:feedback@ios.doi.gov)

Walter Cruickshank  
Acting Director  
Bureau of Ocean Energy Management  
1849 C Street NW  
Washington, DC 20240  
[walter.cruickshank@boem.gov](mailto:walter.cruickshank@boem.gov)