



CALIFORNIA



OREGON



WASHINGTON

April 25, 2019

The Honorable Wilbur Ross
U.S. Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

Dear Secretary Ross:

As the Governors of California, Oregon, and Washington, we are concerned about the National Oceanic and Atmospheric Administration's (NOAA) Advanced Notice of Proposed Rulemaking (ANPR), which seeks ways to streamline the federal consistency review process under the Coastal Zone Management Act (CZMA). It appears to undermine states' roles in cooperative federalism and in a functioning process under the guise of regulatory streamlining. We oppose any such attempts to weaken states' rights, roles, and processes that put our coasts at risk from expanded oil and gas development.

Collectively, our three states represent the fourth-largest economy in the world. Our ocean-dependent industries contribute billions of dollars annually to our region, support thousands of jobs, and sustain our coastal communities. Residents and visitors from around the world enjoy the recreational, scenic, and spiritual bounty of our spectacular shores.

State and local governments are at the front-lines of protecting ocean-dependent uses, coastal communities, and irreplaceable ocean and coastal resources. This state role, responsibility, and right is at the heart of the CZMA. This landmark law takes the well-being, health, and safety of coastal citizens and states into account, while balancing national interests, through the federal consistency review process conducted by a state's NOAA-certified Coastal Management Program.

Federal consistency reviews allowed under the CZMA afford meaningful and timely input by a state as to how and where such activities are conducted. The lack of appeals and litigation over such matters shows that states are conducting such reviews in an efficient and predictable manner. As noted by NOAA in its announcement, a nominal percentage of state reviews

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nationwide have resulted in appeals to the Secretary of Commerce. The process set out by the existing regulations is not a substantial obstacle to industry nor to the federal government. It appears NOAA may be set to propose rules seeking to solve a problem that simply does not exist.

Furthermore, the announcement's timing and strong focus on oil and gas reviews raise additional concerns. While the Administration has not yet released its draft 5-year oil and gas leasing plan, it appears this rulemaking could limit the states' ability to provide input into activities off their coasts. We do not believe that the current federal consistency regulations governing oil and gas development need any additional improvement from previous recent revisions. We do not support changing regulations to limit information or shorten timelines used in the federal consistency process. We request that NOAA preserve the balance between national priorities and healthy coastal communities which exists because of the federal consistency process, as well as the relationships that have been cooperatively built between NOAA, the relevant federal agencies, industry, and our states for nearly half a century.

NOAA has not made a convincing case for why changes are now needed to the federal consistency regulations. As long-term partners and experts in federal consistency implementation, our states effectively carry out our rights and responsibilities, the benefits of which reach beyond our coastal zones. We do not support weakening our vital role protecting the needs of our ocean-dependent communities and ocean resources.

Sincerely,



Gavin Newsom
Governor
State of California



Kate Brown
Governor
State of Oregon



Jay Inslee
Governor
State of Washington