

CALIFORNIA COASTAL COMMISSION

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April 19, 1999

Minerals Management Service
U.S. Department of the Interior
ATT'N: Rules Processing Team
Mail Stop 4024
381 Elden Street
Herndon, VA 20170-4817

Re: Notice of Proposed Rulemaking (64 FR 7837)

Dear Sirs/Madams:

This letter contains the comments of the California Coastal Commission staff on the above-referenced Notice of Proposed Rulemaking (NPR).

We applaud the efforts of the Minerals Management Service (MMS), as reflected in the subject rulemaking, to ensure that "States have the maximum amount of available information in evaluating the consistency certification by applicants for a [Development and Production Plan] DPP...." The proposed amendments to MMS's regulations to furnish to the Commission and other state coastal zone management (CZM) agencies draft Environmental Impact Statements (DEIS) for DPP's will substantially further this goal.

As the state's coastal zone management agency, the California Coastal Commission has a long history of reviewing consistency certifications for oil and gas development activities in the Outer Continental Shelf. In the past, the Commission has had significant problems with the previous approach of starting the federal consistency review process before the Draft Environmental Impact Statement information was available for review. For example, the Commission was required to complete its federal consistency reviews for Platform Hermosa (CC-12-83), Platform Harvest (CC-27-83) and Platform Julius (CC-49-86) and others prior to the completion and release of the DEIS. Because the DEIS information was not yet available for review and consideration, the Commission had to request separate environmental analyses from the applicants in order to fully assess the potential for adverse impacts on California's coastal zone from the proposed platforms and associated facilities. This was inefficient, expensive for the applicants, and did not allow full public participation. MMS's proposed revisions to 30 CFR §250.204(j) should now eliminate this past problem.

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4/26/99

We have two comments to make on the changes proposed in the NPR. First, as an additional enhancement and clarification, we strongly recommend that MMS also specify in the amended 30 CFR § 250.204(j) a provision for furnishing to a State's CZM agency not only the DEIS but also all comments on the DEIS that MMS receives during the 90-day DEIS comment period (40 CFR § 1506.10(b)(1)). Such comments are an integral component of the EIS process and are of a level of importance comparable to that of the DEIS itself in providing the Commission and other state CZM agencies with the information they need in conducting consistency reviews.

Second, we recommend that language corresponding to the third sentence of proposed section 250.204(j) be added to 30 CFR § 250.203(g), pertaining to Exploration Plans (EP). It is our experience that the NEPA evaluation which MMS undertakes in connection with an EP often takes the form of an Environmental Assessment (EA) rather than an EIS. Therefore, the reference in section 250.203(g) to the material to be provided to the State's CZM agency should be to the "environmental documentation prepared under the NEPA." The environmental information contained in either an EA or an EIS that MMS prepares in connection with a proposed EP is just as critical to the Commission's ability to conduct a meaningful consistency review as is the information contained in a DPP EIS.

Thank you for the opportunity to comment on these important and timely revisions to the MMS regulations. We appreciate your considerations of our comments.

If you have any questions about our comments or if we can be of further assistance, please call me (415-904-5244) or Alison Dettmer, Manager of the Energy and Ocean Resources Unit, (415-904-5246), or Robin Blanchfield, Energy Analyst, (415-904-5245).

Sincerely,



SUSAN M. HANSCH
Deputy Director

cc: Mary Nichols, Secretary of Resources Agency, California
J. Lisle Reed, Regional Director, MMS
Coastal Commissioners