



# United States Department of the Interior

MINERALS MANAGEMENT SERVICE

RESTON, VA. 22091

1982 DEC -3 AM 10: 37

In Reply Refer To:  
MMS-241981/CL-04811  
Mail Stop 645

NOV 30 1982

Honorable Paul E. Tsongas  
United States Senate  
Washington, D.C. 20510

Dear Senator Tsongas:

Thank you for your letter of June 23, 1982, concerning the proposed Outer Continental Shelf (OCS) lease Sale No. 52 in the North Atlantic. We appreciate having your thoughts on the timing and size of this proposed sale and the applicability of provisions of the Coastal Zone Management Act (CZMA). We apologize for the delay in responding to you.

We disagree that the Federal Government has failed to acknowledge the important role of States in offshore leasing. This Department has always carefully weighed the comments and recommendations of the States regarding OCS sales. Many modifications, tract deletions and changes in stipulations were made as a result of State suggestions in the three sales you cite--42, 53, and 68. However, none of the several statutory requirements for consultation with and careful consideration of the view of coastal States requires adoption of State recommendations in all cases. The Secretary of the Interior has the legal responsibility by statute to balance a number of different considerations in planning and executing the OCS program. The OCS Lands Act (OCSLA) does not include a provision for State veto but does include active, thoughtful, and full participation by the States. We have encouraged this participation by States in development of our 5-year leasing program and in planning individual lease sales.

We agree completely that activities that directly affect a State's coastal zone should be subject to a consistency determination under the CZMA. However, prelease activities and the issuance of an OCS lease may not always in themselves affect the coastal zone, much less meet the statutory standard of a Federal activity "directly affecting the coastal zone." This issue is the subject of litigation. Recently, the United States Court of Appeals for the Ninth Circuit decided that a consistency determination was required for a 1981 OCS lease sale. We have prepared coastal zone management (CZM) consistency determinations for Sale No. 52 for Massachusetts and several other New England States.

Honorable Paul E. Tsongas

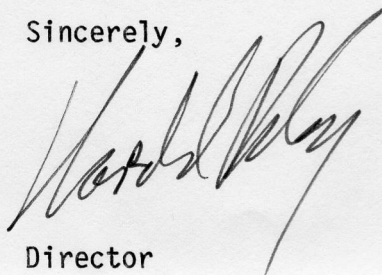
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Section 19 of the OCSLA requires the Secretary to accept a Governor's recommendations regarding the size, timing, or location of a proposed lease sale if he determines that they provide for a reasonable balance between the national interest and the well-being of citizens of the the Governor's State. We are carefully considering the recommendations of the Governors of affected States, including Massachusetts, on Sale No. 52. Officials from the Minerals Management Service (MMS) met with representatives from the Commonwealth of Massachusetts on July 8, 1982, and on September 29, 1982, to discuss Governor King's and Attorney General Belotti's concerns about Sale No. 52. The MMS will require some additional time to review and analyze Massachusetts' comments. MMS is also consulting with other affected States. The proposed sale date was adjusted to October 1982 when we issued a final 5-year OCS leasing schedule to account for this consultation. In light of the CZM consistency determinations now in preparation, it is apparent that the sale date will be further delayed until March 1983. One effect of this delay will be to enable us to consider results of certain environmental studies of concern to Massachusetts before making a decision on the final Notice of Sale for Sale No. 52.

Please be assured that we are cognizant of all of the values involved in the Sale No. 52 area. We will weigh these values in doing the balancing required by the law.

If we can be of further assistance, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "W. R. King", written over the word "Director".

Director