



August 21, 2026

Office for Coastal Management
National Oceanic and Atmospheric Administration
National Ocean Service
U.S. Department of Commerce
Submitted electronically via email to czma.california-evaluation@noaa.gov

Re: Evaluation of the California Coastal Management Program;
Docket No. 260623-0150; RTID 0648-XA006

To Whom It May Concern:

The Independent Petroleum Association of America ("IPAA") appreciates the opportunity to submit comments regarding NOAA's performance evaluation of the California Coastal Management Program ("CCMP") under Section 312 of the Coastal Zone Management Act ("CZMA"), 16 U.S.C. § 1458.

IPAA is a national upstream trade association that provides a unified voice for independent oil and natural gas producers and service companies across the United States. Independent producers operate 95 percent of the nation's oil and natural gas wells and are responsible for 85 percent of U.S. oil production and 90 percent of natural gas production onshore. Learn more about IPAA by visiting www.ipaa.org.

NOAA's review provides an important opportunity to assess not merely whether California has adopted coastal policies, but whether it is effectively implementing the federally approved CCMP in accordance with the CZMA, including its federal consistency provisions. IPAA recognizes the value of protecting the nation's coastal resources and supports the balanced approach embodied in the CZMA. Congress established a collaborative federal-state structure intended to reconcile coastal conservation with legitimate national and economic interests.

IPAA's primary concern in this evaluation is whether California has materially altered the substance of its federally approved coastal-management program through subsequent legislative amendments and administrative implementation without obtaining the approval required by the CZMA.

I. NOAA Should Determine Whether California Has Implemented Material Changes to Its Federally Approved Coastal Management Program Without the Required Federal Approval

California's coastal-management program was approved by NOAA in 1978. NOAA currently identifies the California Coastal Act, together with other state authorities, among the principal authorities comprising the California Coastal Management Program.

The CZMA establishes a specific process for changing an approved state coastal-management program. Section 306(e) requires a state to promptly notify the Secretary of Commerce of any proposed amendment, modification, or other program change and submit the change for the Secretary's approval. The statute further provides that, except under a limited preliminary-approval mechanism, a state may not implement an amendment, modification, or other change as part of its approved management program unless the Secretary approves it.

NOAA's regulations likewise establish a formal program-change process for modifications to state coastal-management programs. NOAA has expressly explained that the CZMA requires states to submit changes to NOAA-approved programs for review and approval and that the process is intended to preserve opportunities for federal agencies and the public to participate in reviewing proposed changes. IPAA is concerned that California has materially changed the policies governing coastal oil and gas development through subsequent legislation without those changes having been submitted to and approved by the Secretary of Commerce as modifications to the federally approved program.

This concern is particularly acute with respect to Senate Bill 704 ("SB 704"), enacted in 2023 and effective January 1, 2024. SB 704 amended California Coastal Act provisions governing oil and gas development, including Sections 30260 and 30262. Among other changes, SB 704 altered the statutory treatment of new or expanded oil and gas development and removed the prior treatment of such development as a coastal-dependent industrial facility for purposes of Section 30260. These changes are not merely administrative or technical. They materially affect the substantive standards governing whether offshore oil and gas activities may be approved under California's Coastal Act. The earlier statutory framework expressly addressed oil and gas development within Section 30260's treatment of coastal-dependent industrial facilities and provided a mechanism for approval where specified conditions were satisfied. Earlier versions of Section 30262 likewise expressly provided that oil and gas development meeting specified conditions "shall be permitted in accordance with Section 30260." SB 704 materially altered that framework.

NOAA must therefore determine not simply whether California has amended its Coastal Act as a matter of state law but whether those amendments constitute a material modification of California's federally approved coastal-management program under Section 306(e) that could not become part of the approved program without federal review and approval. IPAA respectfully requests that NOAA make that determination as part of this Section 312 evaluation.

II. NOAA Should Examine Whether California Is Applying Unapproved Program Changes Through Federal Consistency Reviews

The significance of these statutory changes extends beyond California law because the Coastal Act's enforceable policies are used in federal consistency reviews. If California has incorporated new statutory standards into the practical operation of its coastal management program, those standards may affect federal activities and federally licensed or permitted activities involving the OCS. California's application of those standards can therefore affect federal resource-management

decisions and federally authorized offshore energy activities. IPAA is concerned that the California Coastal Commission is applying the post-amendment Coastal Act provisions, together with interpretations of existing provisions, in a manner that can materially restrict, delay, or prevent new or expanded offshore oil and natural gas activities.

The federal consistency process gives California an important role in protecting coastal resources. However, it does not provide a mechanism for California to independently expand the scope of its federally approved coastal-management program. Federal consistency is tied to the enforceable policies of the approved state program.

As such, NOAA should determine whether California is relying upon statutory amendments, policies, interpretations, or administrative practices that were not part of the federally approved CCMP and were not submitted through the CZMA's program-change process.

III. The SB 704 Issue Warrants Particular Attention Because of Its Effect on Offshore Energy

The potential program-change issue is especially significant for offshore oil and natural gas. NOAA's current evaluation specifically identifies offshore oil production as an area for public comment. California's implementation of its coastal-management program can have consequences extending beyond the state, including consequences for domestic energy supply, marine transportation, offshore infrastructure, and federal management of OCS resources.

The OCS is a federally managed resource. States have an important role through the CZMA's federal consistency provisions, but that role must operate within the boundaries established by Congress and the federally approved state program. IPAA therefore encourages NOAA to examine whether California's current treatment of offshore oil and natural gas activities reflects policies that were actually included in the federally approved CCMP or instead reflects subsequent state policy choices that should have been submitted to Commerce for review.

NOAA should also consider whether the current implementation results in materially different treatment of offshore oil and natural gas activities based on generalized policy opposition rather than the project's specific effects on coastal resources.

IV. NOAA Should Review Other Amendments to the Coastal Act for Compliance With the CZMA Program-Change Process

SB 704 should not be viewed in isolation. IPAA understands that other legislative amendments have modified Section 30262 and related Coastal Act provisions governing oil and gas development, including amendments associated with SB 16 (2003) and SB 237. IPAA respectfully requests that NOAA review these amendments, as well as other material amendments to Chapter 3, to determine whether they were submitted to and approved by the Secretary of Commerce as required by Section 306(e).

The issue is not whether California may amend its own statutes. California plainly possesses legislative authority to enact state law. The issue is whether a subsequent state-law amendment that materially changes an enforceable coastal-management policy may be treated as part of the federally approved CCMP without federal review.

That distinction is essential to preserving the integrity of the CZMA's federal-state framework.

V. NOAA Should Require California to Bring the CCMP Into Compliance With the CZMA Program-Change Requirements

If NOAA determines that California has implemented material amendments to its coastal-management program without the approval required by Section 306(e), IPAA respectfully requests that NOAA take appropriate corrective action.

At a minimum, NOAA should:

1. identify the provisions of California law and administrative practice that constitute material changes to the federally approved CCMP;
2. determine whether those changes were properly submitted to and approved by the Secretary of Commerce;
3. require California to submit any unapproved program changes through the CZMA program-change process;
4. direct California not to treat unapproved changes as enforceable policies of the federally approved CCMP unless and until they receive the required federal approval; and
5. consider the appropriate use of the enforcement and funding mechanisms available under the CZMA if California does not bring its program into compliance.

Section 306(e) expressly authorizes the Secretary to suspend all or part of a grant pending a state's submission of a proposed program change. IPAA therefore believes NOAA should consider all appropriate remedies available under the statute if it determines that California has failed to comply with the program-change requirements.

CONCLUSION

The integrity of the CZMA depends upon a clear distinction between a state's authority to enact and administer its own laws and the separate status of the state's federally approved coastal-management program. IPAA does not challenge California's authority to establish coastal policies through its state legislative process and believes strongly in the federal-state partnership. Rather, IPAA asks NOAA to determine whether California has subsequently incorporated material changes to those policies into the federally approved CCMP without complying with the federal review and approval process required by Section 306(e).

SB 704 presents a particularly important example because it materially changed the statutory treatment of oil and gas development under Sections 30260 and 30262 and now affects the standards applied to offshore energy activities. IPAA requests that NOAA determine whether SB 704, as well as other subsequent amendments to Chapter 3, constitute program changes requiring Commerce approval.

NOAA should also evaluate whether the California Coastal Commission is currently applying those amendments as enforceable policies in federal consistency proceedings. If so, and if the amendments were not approved through the CZMA program-change process, NOAA should require California to correct its implementation and refrain from treating those provisions as part of the federally approved CCMP unless and until they have undergone the required federal review. Such action would not diminish California's legitimate role in coastal management. Rather, it would preserve the federal-state structure Congress established, ensure transparency and federal

participation in changes to approved coastal programs, and provide federal agencies and regulated parties with greater certainty regarding the policies that govern federal consistency review.

IPAA respectfully requests that NOAA address these issues expressly in its evaluation and take such corrective action as may be appropriate under the CZMA. Again, IPAA appreciates the opportunity to comment on behalf of the members we represent.

Sincerely,

//signed//

Mallori Miller

Vice President of Government Relations

Independent Petroleum Association of America