



BILLING CODE 3510-JE-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Federal Consistency Appeal by Electric Boat Corporation of New York State Department of State Objection

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of extension of time to issue a decision.

SUMMARY: This announcement provides notice that the deadline for issuing a decision has been extended by 15 days in the administrative appeal filed with the Department of Commerce by Electric Boat Corporation requesting that the Secretary of Commerce (Secretary) override an objection by the New York State Department of State to a consistency certification for a proposed project to dispose of dredged material in the Eastern Long Island Sound Dredged Material Disposal Site.

DATES: The new deadline for issuing a decision on Electric Boat Corporation's federal consistency appeal of New York State Department of State's objection is November 16, 2020.

ADDRESSES: NOAA has provided access to publicly available materials and related documents comprising the appeal record on the following website:

<https://www.regulations.gov/docket?D=NOAA-HQ-2020-0021>.

FOR FURTHER INFORMATION CONTACT: For questions about this Notice, contact Lauren Bregman, NOAA Office of the General Counsel, Oceans and Coasts Section, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910, (301) 713-7389, lauren.bregman@noaa.gov.

SUPPLEMENTARY INFORMATION:

On January 24, 2020, the NOAA Administrator, pursuant to authority delegated by the Secretary to decide Coastal Zone Management Act of 1972 (CZMA) federal consistency appeals, received a “Notice of Appeal” filed by Electric Boat Corporation (EBC or “Appellant”) under the CZMA, 16 U.S.C. 1451 et seq., and implementing regulations found at 15 CFR part 930, subpart H. The Notice of Appeal is taken from an objection by the New York State Department of State to Appellant’s consistency certification for a proposed U.S. Army Corps of Engineers permit to dispose of dredged material in the Eastern Long Island Sound Dredged Material Disposal Site.

Under the CZMA, the NOAA Administrator may override New York State Department of State’s objection on grounds that the project is consistent with the objectives or purposes of the CZMA, or is necessary in the interest of national security. To make the determination that the proposed activity is “consistent with the objectives or purposes of the CZMA,” the Department of Commerce must find that: (1) The proposed activity furthers the national interest as articulated in sections 302 or 303 of the CZMA, in a significant or substantial manner; (2) the national interest furthered by the proposed activity outweighs the activity’s adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the applicable coastal management program. 15 CFR 930.121. To make the determination that the proposed activity is “necessary in the interest of national security,” the NOAA Administrator must find that a national defense or other national security interest would be significantly impaired if the proposed activity is not permitted to go forward as proposed. 15 CFR 930.122.

On September 1, 2020, NOAA published a Federal Register Notice announcing closure of the appeal decision record. 85 FR 54355. Under the CZMA, a final decision on the appeal must be issued no later than 60 days after publication of the notice announcing closure of the decision record. 16 U.S.C. 1465(b)(3). This deadline may be extended, though, by publishing (within the 60-day period) a subsequent notice explaining why a decision cannot be issued within that time frame. 16 U.S.C. 1465(c)(1). In that event, a final decision must be issued no later than 15 days after the date of publication of the subsequent notice. 16 U.S.C. 1465(c)(2).

This announcement provides notice that the deadline for issuing a decision on this appeal has been extended by 15 days. The additional time is needed to complete a review of the record and reach a decision. A decision on the federal consistency appeal will be issued no later than November 16, 2020.

(Authority Citation: 16 U.S.C. 1465(c); 15 CFR 930.130(b))

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