

DELEGATIONS OF AUTHORITY  
TO THE GENERAL COUNSEL, NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION

Amended Delegation

On March 3, 1992, pursuant to the authority vested in the Under Secretary /Administrator by Department Organization Order 10-15, the Under Secretary/Administrator redelegated authority to the General Counsel to perform certain procedural functions required to conduct consistency appeals pursuant to section 307 of the Coastal Zone Management Act of 1972 (CZMA). Pursuant to this same authority, Sections V(C) and VI of this redelegation are hereby amended to read in their entirety as follows:

V. The Under Secretary/Administrator has also redelegated authority to the General Counsel for the following administrative functions:

- C. Perform certain procedural functions required to conduct consistency appeals pursuant to section 307 of the Coastal Zone Management Act of 1972 (CZMA), such as:
1. Determine and notify the Appellant of fee payment requirements, fee payment delinquencies and fee waivers.
  2. Establish and notify parties of briefing schedules.
  3. Make procedural decisions necessary during consistency appeals after a briefing schedule has been established, including the authority for: granting extensions of time under the briefing schedule; granting stays; publishing Federal Register notices regarding the appeal; ordering or granting requests for a public hearing pursuant to 15 C.F.R. 930.128; soliciting comments from affected Federal agencies; and granting requests to reopen the record.
  4. Maintain the administrative record, supervise administrative procedures, prepare all documents necessary for the administration of an appeal, serve as a hearing officer and conduct hearings pursuant to 15 C.F.R. 930.129, review the record of the appeal, and prepare findings.
  5. Dismiss a consistency appeal for good cause, pursuant to 15 C.F.R. 930.129(a), or override the State's objection based upon its failure to object within six months, pursuant to 15 C.F.R. 930.129(b).

VI. Reservation of Authority

- A. The Secretary reserves the authority to make findings under subsections

307(c)(3) and 307(d) of the CZMA, and the authority to carry out the mediation function under section 307(h) of the CZMA.

B. The Under Secretary/Administrator specifically reserves the authority to:

1. Clear all recommended findings and decisions prepared for the Secretary.
2. Review and decide appeals of rulings of administrative law judges in civil penalty and permit sanction proceedings, including interlocutory appeals and appeals from initial decisions of administrative law judges.
3. Review interim permit or license suspension orders under the Deep Seabed Hard Minerals Resources Act or the Ocean Thermal Energy Conversion Act of 1980, upon request of the licensee or permittee.

Effect on NOAA Administrative Order 201-104

As amended, the above delegation to the General Counsel supercedes those delegations set forth in NOAA Administrative Order (NAO) 201-104. Accordingly, NAO 201-104 is hereby withdrawn.

Date: 8/30/06

Approved /Signed/  
Under Secretary/Administrator

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On March 3, 1992, the NOAA General Counsel re delegated to the Assistant General Counsel for Ocean Services the authority to perform certain procedural functions required to conduct consistency appeals pursuant to section 307 of the Coastal Zone Management Act of 1972 (CZMA). Section VIII of that delegation is hereby amended to read as follows:

VIII. The General Counsel has re delegated to the Assistant General Counsel for Ocean Services certain consistency appeal processing authority to:

- A. Establish and notify parties of briefing schedules.
- B. Grant uncontested requests for extensions of time, stay of appeal, and other uncontested post-briefing-schedule procedural decisions.
- C. Determine and notify the Appellant of fee payment requirements, fee payment delinquencies and fee waivers.
- D. Publish Federal Register notices regarding an appeal.
- E. Solicit comments from affected Federal agencies.
- F. Dismiss a consistency appeal for good cause, pursuant to 15 C.F.R. 930.129, in cases in which: (1) the Appellant fails to timely pay a filing fee; or (2) the Appellant withdraws or abandons the appeal.
- G. Maintain the administrative record, supervise administrative procedures, prepare all documents necessary for the administration of an appeal, review the record of the appeal, and prepare findings.

Date: 8/30/06

Approved /Signed/  
General Counsel, NOAA