



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

NOV 26 2011

The Honorable Christopher J. Dodd
United States Senate
Washington, D.C. 20510

Dear Senator Dodd:

Thank you for your co-signed letter to the Secretary of Commerce (Secretary) regarding an administrative appeal filed under the Coastal Zone Management Act (CZMA) for the proposed construction and operation of a natural gas pipeline referred to as the Islander East project. As this matter is currently before the Secretary for review, my response on his behalf is limited to issues concerning the appeals process.

The State of Connecticut's participation in the federal Coastal Management Program entitles it to require that activities – for which a federal license or permit is needed – affecting the State's coastal uses or resources, be consistent with Connecticut's coastal management program. The CZMA also allows federal license or permit applicants, in this case Islander East Pipeline Company (Islander East), whose proposed activities are found objectionable by a State with an approved coastal program, to appeal to the Secretary of Commerce.

Islander East's appeal requests that the Secretary override Connecticut's objection for a procedural reason, concerning the timing of the State's actions. Islander East also requests an override on the two substantive grounds provided in the CZMA: the proposed activity is consistent with the objectives of the CZMA or is necessary in the interest of national security. 16 U.S.C. 1456(c)(3)(A).

The National Oceanic and Atmospheric Administration (NOAA) undertakes many aspects of the CZMA appeals process on behalf of the Secretary, following the procedural rules for such appeals found in 15 C.F.R. 930, Subpart H. One important aspect of the appeals process is developing an administrative record, upon which the Secretary's decision is based. In addition to receiving materials from the parties, NOAA will seek comments and information from the public and interested federal agencies to include in the record. In this regard, we would welcome any information you believe to be helpful to the Secretary in deciding this appeal.

Thank you again for your letter on this important matter.

Sincerely,

James R. Walpole
General Counsel





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

NOV 26 2002

The Honorable Joseph I. Lieberman
United States Senate
Washington, D.C. 20510

Dear Senator Lieberman:

Thank you for your co-signed letter to the Secretary of Commerce (Secretary) regarding an administrative appeal filed under the Coastal Zone Management Act (CZMA) for the proposed construction and operation of a natural gas pipeline referred to as the Islander East project. As this matter is currently before the Secretary for review, my response on his behalf is limited to issues concerning the appeals process.

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Thank you again for your letter on this important matter.

Sincerely,

A handwritten signature in cursive script that reads "James R. Walpole".

James R. Walpole
General Counsel





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

The Honorable Rosa L. DeLauro
U.S. House of Representatives
Washington, D.C. 20515

NOV 26 2002

Dear Representative DeLauro:

Thank you for your co-signed letter to the Secretary of Commerce (Secretary) regarding an administrative appeal filed under the Coastal Zone Management Act (CZMA) for the proposed construction and operation of a natural gas pipeline referred to as the Islander East project. As this matter is currently before the Secretary for review, my response on his behalf is limited to issues concerning the appeals process.

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Thank you again for your letter on this important matter.

Sincerely,

James R. Walpole
General Counsel

