

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****Federal Consistency Appeal by Jordan Cove Energy Project, L.P. and Pacific Connector Gas Pipeline, LP**

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

**ACTION:** Notice—closure of administrative appeal decision record.

**SUMMARY:** This announcement provides notice that the decision record has closed for an administrative appeal filed by Jordan Cove Energy Project, L.P. and Pacific Connector Gas Pipeline, LP (collectively, “Appellants”) under the Coastal Zone Management Act. Appellants have requested that the NOAA Administrator, pursuant to authority delegated by the Secretary of Commerce to decide Coastal Zone Management Act of 1972 (CZMA) federal consistency appeals, override an objection by the Oregon Department of Land Conservation and Development to a consistency certification for a proposed project to construct and operate a liquefied natural gas export terminal and a 229-mile natural gas pipeline and compressor station off the Pacific Coast.

**DATES:** The decision record for Appellants’ Federal consistency appeal of Oregon Department of Land Conservation and Development’s objection closed on November 27, 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-2020-0058>.

**FOR FURTHER INFORMATION CONTACT:** For questions about this Notice, contact Rachel Morris, Attorney-Advisor, NOAA Office of the General Counsel, Oceans and Coasts Section, and Patrick Carroll, Attorney-Advisor, NOAA Office of the General Counsel, Oceans and Coasts Section, at [jordancove.appeal@noaa.gov](mailto:jordancove.appeal@noaa.gov) or (301) 713-7387.

**SUPPLEMENTARY INFORMATION:** On March 20, 2020, the NOAA Administrator, pursuant to authority delegated by the Secretary of Commerce to decide Coastal Zone Management Act of 1972 (CZMA) federal consistency appeals, received a “Notice of Appeal” filed by Jordan Cove Energy Project, L.P. and Pacific Connector Gas Pipeline, LP (collectively, “Appellants”) 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 Oregon Department of Land Conservation and Development to Appellants’ consistency certification for a proposed project to construct and operate a liquefied natural gas export terminal and a 229-mile natural gas pipeline and compressor station off the Pacific Coast. This matter constitutes an appeal of an “energy project” within the meaning of the CZMA regulations. See 15 CFR 930.123(c).

Under the CZMA, the NOAA Administrator may override Oregon Department of Land Conservation and Development’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 Department of Commerce 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.

The NOAA Administrator must close the decision record in a federal consistency appeal 160 days after the Notice of Appeal is published in the **Federal Register**. 15 CFR 930.130(a)(1). However, the CZMA authorizes the NOAA Administrator to stay the closing of the decision record for up to 60 days when the NOAA Administrator determines it is necessary to receive, on an expedited basis, any supplemental information specifically requested by the NOAA Administrator to complete a consistency review or any clarifying information submitted by a party to the proceeding related to information in the consolidated record compiled by the lead Federal permitting agency. 15 CFR 930.130(a)(2), (3).

In order to solicit supplemental and clarifying information, the NOAA Administrator stayed the closure of the

decision record for a total of 60 days. 85 FR 60766 (September 28, 2020). Consistent with the above schedule, the decision record for Appellants’ Federal consistency appeal of Oregon’s objection closed on November 27, 2020. No further information or briefs will be considered in deciding this appeal.

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-2020-0058>.

**Adam Dilts,**

*Chief, Oceans and Coasts Section, NOAA Office of the General Counsel.*

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[RTID 0648-XY074]

**Endangered and Threatened Species; Initiation of a 5-Year Review for the Arctic, Okhotsk, Baltic, and Ladoga Subspecies of the Ringed Seal**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Notice of initiation of 5-year review; request for information.

**SUMMARY:** NMFS announces its intent to conduct a 5-year review of the threatened Arctic (*Pusa hispida hispida*), Okhotsk (*Pusa hispida ochotensis*), Baltic (*Pusa hispida botnica*), and endangered Ladoga (*Pusa hispida ladogensis*) subspecies of the ringed seal. NMFS is required by the Endangered Species Act (ESA) to conduct 5-year reviews to ensure that listing classifications of species are accurate. The 5-year review must be based on the best scientific and commercial data available at the time of the review. We request submission of any such information on these ringed seal subspecies, particularly information on their status, threats, and recovery, that has become available since their listing on December 28, 2012 (77 FR 76706).

**DATES:** To allow us adequate time to conduct this review, we must receive your information no later than January 26, 2021. However, we will continue to accept new information about any listed species at any time.

**ADDRESSES:** Submit your information, identified by docket number NOAA-

NMFS-2020-0014, by either of the following methods:

- **Federal e-Rulemaking Portal.** Go to [www.regulations.gov](http://www.regulations.gov) #!docketDetail;D=NOAA-NMFS-2020-0014, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written information to Jon Kurland, Assistant Regional Administrator for Protected Resources, Alaska Region NMFS, Attn: Records Office, Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

**Instructions:** NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will post the comments for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Tammy Olson, NMFS Alaska Region, 907-271-2373, [tammy.olson@noaa.gov](mailto:tammy.olson@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Section 4(c)(2)(A) of the ESA requires that we conduct a review of listed species at least once every 5 years. The regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing species currently under active review. On the basis of such reviews, under section 4(c)(2)(B) we determine whether a listed species should be delisted, or reclassified from endangered to threatened or from threatened to endangered (16 U.S.C. 1533(c)(2)(B)). As described by the regulations in 50 CFR 424.11(e), the Secretary shall delist a species if the Secretary finds that, after conducting a status review based on the best scientific and commercial data available: (1) The species is extinct; (2) the species does not meet the definition of an endangered species or a threatened species; or (3) the listed entity does not meet the statutory definition of a species. Any change in Federal classification would require a separate rulemaking process.

Another subspecies of ringed seal, the Saimaa seal (*Phoca hispida saimensis*), was listed as an endangered species in 1993 (58 FR 26920; May 6, 1993). NMFS completed a 5-year review for the Saimaa seal on January 11, 2018, so that

subspecies is not being included in this 5-year review.

Background information on the ringed seal subspecies listed above is available on the NMFS website at: <http://www.fisheries.noaa.gov/species/ringed-seal>.

#### Determining if a Species Is Threatened or Endangered

Section 4(a)(1) of the ESA requires that we determine whether a species is endangered or threatened based on one or more of the five following factors: (1) The present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. Section 4(b) also requires that our determination be made on the basis of the best scientific and commercial data available after conducting a review of the status of the species and after taking into account those efforts, if any, being made by any State or foreign nation to protect such species.

#### Public Solicitation of New Relevant Information

To ensure that the 5-year review is complete and based on the best scientific and commercial data available, we are soliciting new information from the public, governmental agencies, Tribes, the scientific community, industry, environmental entities, and any other interested parties concerning the status of Arctic, Okhotsk, Baltic, and Ladoga ringed seals. Categories of requested information include: (1) Species biology including, but not limited to, population trends, distribution, abundance, demographics, and genetics; (2) habitat conditions including, but not limited to, amount, distribution, and important features for conservation; (3) status and trends of threats; (4) conservation measures that have been implemented that benefit the species, including monitoring data demonstrating effectiveness of such measures; (5) need for additional conservation measures; and (6) other new information, data, or corrections including, but not limited to, taxonomic or nomenclatural changes and improved analytical methods for evaluating extinction risk.

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: November 23, 2020.

**Angela Somma,**

Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

[Docket No. 201120-0310]

RIN 0648-XH060

#### Endangered and Threatened Wildlife; 90-Day Finding on a Petition to Delist the Arctic Subspecies of Ringed Seal Under the Endangered Species Act

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Notice; 90-Day petition finding.

**SUMMARY:** We (NMFS) announce a negative 90-day finding on a petition to delist the Arctic subspecies of ringed seal (*Pusa hispida hispida*) under the Endangered Species Act (ESA). We find that the petition and information readily available in our files does not present new information or analyses that had not been previously considered and therefore does not present substantial scientific or commercial information indicating that the petitioned action may be warranted. Nevertheless, we note that we are separately initiating a five-year review of the status of the Arctic ringed seal pursuant to section 4(c)(2) of the ESA, including whether the best scientific and commercial data available indicate delisting is warranted.

**ADDRESSES:** Copies of the petition and related materials are available from the NMFS website at <https://www.fisheries.noaa.gov/national/endangered-species-conservation/negative-90-day-findings> or upon request from the Assistant Regional Administrator for Protected Resources, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668.

**FOR FURTHER INFORMATION CONTACT:** Tamara Olson, NMFS Alaska Region, (907) 271-2373; Jon Kurland, NMFS Alaska Region, (907) 586-7638; or Heather Austin, NMFS Office of Protected Resources, (301) 427-8422.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 26, 2019, we received a petition from the State of Alaska, Arctic Slope Regional Corporation, Iñupiat