



July 31, 2002

By Facsimile (202) 482-4893 and Regular Mail

James R. Walpole, Esq.
General Counsel
U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

Re: Riverkeeper, Inc.'s Request to Participate as Amicus in the Consistency Appeal of Millennium Pipeline Company, L.P. to the U.S. Secretary of Commerce Pursuant to the Coastal Zone Management Act, 16 U.S.C. § 1456

Dear Mr. Walpole:

By this letter, Riverkeeper, Inc. ("Riverkeeper") respectfully requests that it be granted the opportunity to participate in the above-referenced consistency appeal (the "Appeal") as an *amicus*, or friend of the Secretary of Commerce (the "Secretary"). Riverkeeper submits that it should be granted *amicus* status in this proceeding in view of the fact that, by virtue of its extensive experience with the issues germane to the Appeal, Riverkeeper has unparalleled access to information relevant to the development of the administrative record, which will be helpful to the Secretary in making his decision on the Appeal. (See Letter to Neil L. Levy, Esq. from James R. Walpole, Esq. dated July 17, 2002 (the "July 17th Letter") at 3 (granting *amicus* status to the Village of Croton-on-Hudson in recognition of its unique access to relevant information.))

Riverkeeper is an independent, member supported, not-for-profit environmental organization with offices in Garrison and White Plains, New York. Our mission is to protect the environmental, recreational, and commercial integrity of the Hudson River and its tributaries; and to safeguard the drinking water supply of New York City and Westchester County. We carry out this mission using hard-hitting litigation, advocacy, and public education in communities and schools. Our constituents reflect the diverse Hudson River Valley: from urban dwellers in New York City, to local fishermen in Westchester County, to working class families in rural upstate communities. As part of our mission, we often participate in the review of development proposals likely to have an adverse impact on water quality and the natural environment.

For more than thirty-five (35) years, Riverkeeper and its predecessor organization have been watchdogs for the health and protection of the Hudson River. Riverkeeper

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originated from an idea imported from England by the author Robert Boyle, who founded the Hudson River Fishermen's Association in 1966, which led the first prosecutions ever of industrial polluters in the United States. In 1983, the Hudson River Fishermen's Association hired John Cronin, a former commercial fisherman and congressional aide, to patrol the Hudson River full time. Riverkeeper was thus born as a privately-funded non-governmental organization led by a full-time public advocate for the River.

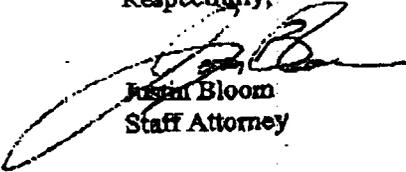
In 1984, attorney Robert F. Kennedy Jr. joined Riverkeeper, becoming its chief prosecuting attorney in 1993. Along with Karl Coplan, he co-directs the Pace Environmental Litigation Clinic, where ten (10) students and two (2) professors do nothing but prosecute Hudson River polluters. To date, Riverkeeper and its network of citizen-watchdogs have prosecuted over 300 environmental lawbreakers on behalf of a constituency of thousands. Riverkeeper has a staff of seven attorneys, a policy analyst, a watershed analyst, an educator, and its own boat captain, who regularly plies the Hudson River.

Riverkeeper has played a critical role in the revitalization of the Hudson River. In the 1960's, the Hudson River was considered an open sewer. Today, in no small part due to Riverkeeper's efforts, the Hudson is the only large river in the North Atlantic that retains strong spawning stocks of its entire collection of historical migratory species. These fish support recreational and commercial fisheries along the Atlantic coast worth hundreds of millions of dollars.

Riverkeeper has been involved in these proceedings from the beginning of the environmental review process. If granted *amicus* status, Riverkeeper will provide valuable insight into Millennium's proposal to cross the Hudson River at Haverstraw Bay, which is one of the prime spawning areas that Riverkeeper has worked diligently to restore and protect. As a result of decades of experience, Riverkeeper has a unique perspective on the proposed project, its impacts within the coastal zone and alternatives to the current proposal. We look forward to assisting the Secretary in the Department's review.

In any event, in light of the present briefing schedule, wherein Millennium's brief must now be filed by August 12, Riverkeeper respectfully requests an accelerated response to its instant request for *amicus* status.

Respectfully,



Justin Bloom
Staff Attorney

cc: Karl D. Gleaves, Esq.
Asst. General Counsel for Ocean Services