

06/12/2002 18:05 FAX

**Congress of the United States**

Washington, DC 20515

EXECUTIVE SECRETARIAT  
2002 JUN 13 AM 8:07

June 12, 2002

The Honorable Donald L. Evans  
Secretary  
U.S. Department of Commerce  
14<sup>th</sup> Street and Constitution Avenue, NW  
Washington, DC 20230

Dear Secretary Evans:

As you know, the New York Department of State (DOS) recently announced that the proposed route for the Millennium Pipeline is inconsistent with the policies of the New York State Coastal Management Program. On June 7, Millennium Pipeline Company, L.P., the builder of the pipeline, filed a Notice of Appeal with the Department of Commerce (DOC) in an effort to overturn the State's decision. Before the appeals process moves forward any further, we urge DOC to conduct informational briefings and public hearings in Westchester County.

During the pipeline review process, we called on the Federal Energy Regulatory Commission (FERC) to hold well-publicized meetings so that all interested parties could be heard. The agencies charged with responsibility for reviewing the proposed pipeline have a duty to inform the public of the appeals process, carefully listen to and weigh the views of the potentially-impacted communities, and allow the people of New York to fully participate in the process. Today, we are asking DOC to meet with elected officials and the public, and to respond to the legitimate and serious concerns raised by the proposed route of the pipeline.

It is vitally important that DOC be responsive to citizen and elected official inquiries. We know that numerous community members have asked DOC for materials related to the appeal. We urge DOC, in addition to hosting public hearings, to promptly respond to our constituents' requests.

It is incumbent upon DOC, like FERC, to meet the high standard of review and community participation demanded by such a large, complex, and sensitive project. Clearly, close community consultation should be an integral part of DOC's proceedings. Thank you for your attention to this matter, and we look forward to your response.

Sincerely,

*Hillary Rodham Clinton*  
Hillary Rodham Clinton  
Senator

*Nita M. Lowey*  
Nita M. Lowey  
Member of Congress



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

OFFICE OF THE GENERAL COUNSEL

JUL 25 2002

Hillary Rodham Clinton  
Senator  
Congress of the United States  
Washington, D.C. 20515

Nita M. Lowey  
Member of Congress  
Congress of the United States  
Washington, D.C. 20515

Dear Senator Clinton and Congresswoman Lowey:

Thank you very much for your joint letter to the Secretary of Commerce (Secretary) concerning the objection of the New York Department of State (New York State) to the Millennium Pipeline Company, L.P., (Millennium Pipeline) application for a F.E.R.C. permit to operate a natural gas pipeline. Since this appeal is now before the Secretary for review under the Coastal Zone Management Act (CZMA), I am responding on his behalf.

New York State's participation in the federal Coastal Zone Management Program, authorized by the CZMA, entitles it to require applicants for a Federal license or permit, affecting the coastal uses or resources of New York, to be consistent with New York State's federally approved coastal management program. The CZMA also allows applicants, in this case Millennium Pipeline, who have received an objection from a state with an approved coastal program, to appeal to the Secretary of Commerce to allow the proposed activity to be permitted if the Secretary finds the proposed activity is consistent with the objectives of the CZMA or otherwise necessary in the interest of national security.  
16 U.S.C. 1456(c) (3) (A).

Millennium Pipeline filed an appeal with the Secretary on Friday, June 7, 2002. Therefore, the subject of your letter is now a matter for decision by the Secretary based on the administrative record and therefore my response is limited to procedural matters.

You have inquired about the procedures for this consistency appeal, requested a public hearing and asked that the Department



of Commerce be responsive to requests for information from the people of the State of New York. The development of an administrative record, including briefs and supplementary information submitted by both New York State and Millennium Pipeline is undertaken by the National Oceanic and Atmospheric Administration's (NOAA) Office of General Counsel. NOAA will handle this consistency appeal in the normal course, applying the rules of procedure provided in 15 CFR 930 Subpart H. Your request for a public hearing, and those of other requesters, will be considered and ruled upon as quickly as normal administrative procedures allow. We will notify your offices when such a decision is made.

As part of the regular consistency appeal procedures, there will be an opportunity for public comment on the consistency appeal. Notice of the opportunity for public comment will be provided in the Federal Register and in the newspapers of the localities affected by the proposed activity. We have added your letter to the administrative record and look forward to receiving your comments on the effects of Millennium Pipeline's proposed activity on the coastal uses and resources of New York and any other substantive issues during that time. We will be sure to notify your offices of the public comment period in a timely manner. Further inquiries should be addressed to Karl Gleaves, Office of General Counsel for Ocean Services, (301) 713-2967, extension 204.

Sincerely,

  
James R. Walpole  
General Counsel