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New York State Senate
ENERGY AND TELECOMMUNICATIONS COMMITTEE
Senator Jim Wright, *Chairman*

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June 18, 2002

The Honorable Donald Evans, Secretary
U.S. Department of Commerce
Room 5854
14th & Constitution Ave. NW
Washington, DC 20230

Dear Secretary Evans:

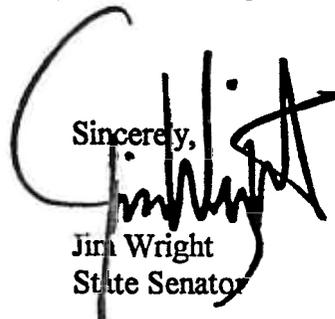
It is my understanding that you have been requested to review a decision by the New York State Department of State regarding the Millenium natural gas pipeline project. I am writing to ask that you give this matter your full attention so that this important project can proceed without unnecessary delay.

New York State is in immediate need of new electrical generation to meet growing demand. This is especially critical for the greater metropolitan New York City region, which because of transmission constraints, must develop additional local generation. As well, the State must retire several of its older generating facilities in order to meet emission standards. Construction of the Millenium project is critical to achievement of both these goals.

This project has undergone exhaustive reviews during the five years it has been under development. The sponsors have been highly responsive in making design changes to mitigate environmental impacts. The remaining issue of contention - the pipeline's crossing of the Hudson River - has, in fact, received approval from all other permitting agencies.

Viewed from a statewide perspective, it is clear that the Millenium project is vital for both New York's economy and its environment. It is my hope that a timely review of this matter will be possible, as I am confident that it will conclude that this project should proceed.

Thank you for your consideration.

Sincerely,

Jim Wright
State Senator

JWW:sl



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

OFFICE OF THE GENERAL COUNSEL

AUG 5 2002

Senator Jim Wright
New York State Senate
Energy and Telecommunications Committee
Legislative Office Bldg., Room 707
Albany, New York 12247

Dear Senator Wright:

Thank you for your letter to the Secretary of Commerce Donald L. Evans, concerning the Coastal Zone Management Act (CZMA) consistency appeal of the Millennium Pipeline Company, L.P. (Millennium) to the objection of the New York Department of State which administers New York's federally approved coastal management program pursuant to the CZMA. Under the CZMA (16 USC 1456(c)(3)(A) and its implementing regulations (15 CFR 930 Subpart H) when an applicant for a federal license or permit proposes an activity affecting the coastal uses or resources of a state with a federally approved coastal management program, a state may object if the proposed activity is not consistent with the state's coastal management program. After receiving a state objection, an applicant, in this case Millennium, may appeal to the Secretary of Commerce seeking an override of the state's objection. The Secretary of Commerce may override the state's objection if the administrative record shows that the applicant proposed activity is consistent with the objectives of the CZMA or necessary in the interest of national security.

In this case, Millennium has appealed to the Secretary of Commerce and an administrative record for his decision is being prepared. Your letter will be added to the administrative record. There will be a time for public comment during the appeal process and this office encourages you to submit your comments at that time. The public comment period will be announced in the local newspapers in the area of the proposed activity as well as in the Federal Register.

Thank you for your interest in the Federal Consistency procedures of the CZMA.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karl D. Gleaves".

Karl D. Gleaves
Assistant General Counsel
for Ocean Services

