



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel

MARK P. MCINTYRE
o. 212-788-1145/ f. 212-788-1619
mmcintyr@law.nyc.gov

September 20, 2002

Karl Gleaves
Assistant General Counsel for Ocean Services
1305 East-West Highway
SSMC 4, Room 6111
Silver Spring, MD 20910

Re: New York City's Request for Amicus Status with Respect to the Appeal of Millennium Pipeline Company, L.P. from the New York State Department of State CZMA Consistency Objection

Dear Mr. Gleaves:

I write on behalf of The City of New York ("City") with regard to the June 7, 2002 appeal of the Millennium Pipeline Company, L.P. ("Millennium") to the Secretary of Commerce ("Secretary") from the May 9, 2002 objection by the New York State Department of State ("DOS") pursuant to the Coastal Zone Management Act ("CZMA"). For the reasons set forth below, the City respectfully requests that it be granted amicus status in this proceeding.

DOS based its objection to the proposed location of the Pipeline on three factors. One of those factors was the proximity of Millennium's natural gas pipeline to the City's Catskill Aqueduct. DOS found that Millennium's proposal to build a major natural gas pipeline across the Catskill Aqueduct was a significant coastal issue. If the construction or operation of the pipeline caused the Aqueduct to rupture, it could have a catastrophic impact on water supply in the coastal zone, thus implicating New York State Coastal Management Plan Policy 38.

Given the importance of the Catskill Aqueduct crossing to DOS' objection, the City seeks amicus status to explain to the Secretary the City's unique water supply system and the threat to that water system posed by Millennium's pipeline. This system, the nation's largest municipal water system, supplies drinking water to almost nine million people both in the City and in the counties north of the City. The Catskill Aqueduct provides 40 % of the City's total water supply. Yet Millennium proposes to cross the Aqueduct at a separation of 1 to 2 feet.

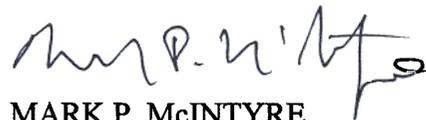
If granted amicus status, the City will detail the serious deficiencies in Millennium's current proposal to cross the Catskill Aqueduct. Millennium's current generic concept drawing proposes that its pipeline cross within one to two feet of the Catskill Aqueduct, at the Bryn Mawr siphon in Yonkers, New York. In its appeal, Millennium seeks to reassure the Secretary that its proposal to build a pipeline within 1 to 2 feet of the 90-year old Aqueduct is protective of the Aqueduct because Millennium proposes to fill this narrow space with steel-reinforced concrete and other devices to deflect pressure away from the Aqueduct in the case of a pipeline rupture. Millennium Appeal at 93. However, there is no engineering information to indicate that such a precarious crossing could be constructed without posing additional risk to the aqueduct.

Given that the Catskill Aqueduct is a vital life support system to the City and the coastal zone, the Millennium pipeline cannot be allowed to cross the Catskill Aqueduct until the City determines that that the pipeline poses no risk to the Aqueduct.

In light of Millennium's failure to assess the pipeline's impact on the Aqueduct and to propose mitigation to ensure that its pipeline poses no risk to the Aqueduct, the City, through its Department of Environmental Protection ("DEP"), has recently engaged the U.S. Army Corps of Engineers to study Millennium's proposed crossing of the Aqueduct. On DEP's behalf, the Corps will study the effects of a pipeline rupture on the Aqueduct's integrity. And, in light of the events of September 11, 2001, the Corps will also assess the security issues associated with Millennium's proposal to cross the Aqueduct at Bryn Mawr. Until the City has answers to these concerns, and is assured that the Millennium Pipeline poses no risk to its water supply, the City will oppose the construction of the Millennium Pipeline across the Catskill Aqueduct.

For these reasons, the City respectfully requests that it be granted amicus status to set forth the risks that Millennium's proposal poses to the water supply of the City of New York, which is a vital resource in New York's coastal zone.

Sincerely yours,



MARK P. McINTYRE
Assistant Corporation Counsel
Environmental Law Division