

Congress of the United States

Washington, DC 20515

February 26, 2003

The Honorable Donald L. Evans
Secretary
United States Department of Commerce
Room 5854
14th & Constitution Ave., NW
Washington, D.C. 20230

Dear Mr. Secretary

We are writing in support of an appeal submitted by Islander East, LLC to the Department of Commerce to overturn the October 15, 2002 decision by the Connecticut Department of Environmental Protection (DEP) regarding proposed construction of the Islander East pipeline. The natural gas that would be supplied to Long Island through this pipeline would solve pressing energy needs and greatly benefit residential, commercial and industrial consumers across the region.

It should be noted that the New York State Department of State recently issued its approval of Islander East's project, stating that it is "consistent" with the State's coastal zone management program, and that "further review...is not required."

Natural gas transport capability on to Long Island must be substantially increased. The robust economic growth in the past several years has created a demand for natural gas in this area that is well above the national average, particularly on the eastern end of Long Island due to residential and commercial growth. Increased power needs have mandated the establishment of new power plants on Long Island for which additional natural gas supplies are essential if these facilities are to be environmentally cleaner and more efficient. Supplying additional natural gas supplies will significantly reduce the region's current high-dependence on foreign oil imports for both production of electricity and space heating.

The New York Independent System Operator (NYISO) has stated that with demand for electricity and natural gas increasing on Long Island, additional gas-fired electric plants will need to be developed, along with the associated expansion of the region's natural gas transmission infrastructure. The NYISO has stated "it is critical that new plants be located "in-city" and "on-island" to maintain reliability, enhance competition and support economic growth." It is clear to us that timely, additional natural gas infrastructure is necessary to support the energy needs for the economic activity and population expansion of this area.

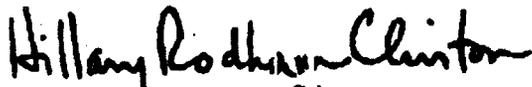
With respect to environmental concerns, Islander East will employ horizontal direct drilling (HDD) technology that minimizes the need to dig a trench in portions of the pipeline route. This HDD technology - which will be used for the maximum feasible distance of approximately 4,000 feet out from the Connecticut shoreline - allows Islander East to dig a single hole and tunnel underground horizontally, thereby minimizing environmental impacts. This technique has been praised by well-regarded environmental conservation organizations for helping to significantly reduce the pipeline's impact on core preservation areas.

In addition, the pipeline will be placed beneath the ocean floor, causing minimum disturbance to near-shore shellfish beds and other environmentally sensitive areas. Furthermore, offshore construction activity will take place during winter months, when fish and shellfish are less active and therefore less susceptible to disturbance.

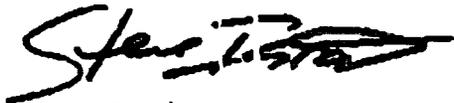
We therefore respectfully request that the United States Department of Commerce consider the appeal by Islander East and make a judgment in favor of the project sponsors' position. We would be pleased to work with your office to provide any additional information you may need and to address any outstanding concerns you may have with respect to this matter.

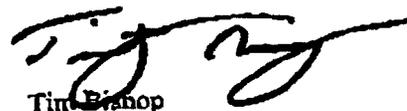
Thank you for your consideration.

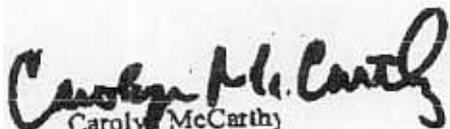
Sincerely,


Hillary Rodham Clinton
United States Senate


Gary L. Ackerman
Member of Congress


Steve Israel
Member of Congress


Tim Bishop
Member of Congress


Carolyn McCarthy
Member of Congress



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

OFFICE OF THE GENERAL COUNSEL

FEB 28 2003

The Honorable Hillary Rodham Clinton
United States Senate
Washington, D.C. 20510

Dear Senator Clinton:

Thank you for your cosigned letter to Secretary Evans in support of the Islander East Pipeline Company's administrative appeal filed under the Coastal Zone Management Act (CZMA) and currently pending before the Department of Commerce. Islander East's proposed natural gas pipeline would span from an interconnection near North Haven, Connecticut, and cross the Long Island Sound to a terminus in Suffolk County, New York. The National Oceanic and Atmospheric Administration (NOAA) processes many aspects of CZMA appeals for the Secretary, and therefore was asked to respond to your letter.

Your correspondence discusses various benefits anticipated from the proposed Islander East project, emphasizing its importance to meeting the energy needs of Long Island's residents and businesses, and reducing the region's dependence on foreign oil imports. In addition to mentioning measures being taken to minimize the project's environmental impacts, your letter advises that New York recently approved Islander East's proposed pipeline, finding that it was "consistent" with New York's coastal management program.

As you are probably aware, the appeal by Islander East is taken from a determination by the State of Connecticut that the proposed project is inconsistent with the Connecticut coastal management program. Connecticut's concerns center on the pipeline's crossing of the Long Island Sound. In order to override Connecticut's objection, the Coastal Zone Management Act requires that the Secretary of Commerce find the pipeline is "consistent with the objectives" of the CZMA (Ground I) or "necessary in the interest of national security" (Ground II). Section 307(c)(3)(A).

Please note, as announced in the *Federal Register* (copy enclosed), the appeal record is open to receive public comments through May 8, 2003, and materials in the appeal record can be reviewed at the Department's consistency appeals web site, www.ogc.doc.gov/czma.htm. Your letter will be included in the administrative record for the Islander East appeal. Further, we welcome any additional information that you or your constituents believe is relevant to the Secretary's decision.

Thank you again for writing on this important matter.

Sincerely,

James R. Walpole
General Counsel



Enclosure

bcc: Andrew Larkin



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

OFFICE OF THE GENERAL COUNSEL

FEB 28 2003

The Honorable Gary L. Ackerman
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Ackerman:

Thank you for your cosigned letter to Secretary Evans in support of the Islander East Pipeline Company's administrative appeal filed under the Coastal Zone Management Act (CZMA) and currently pending before the Department of Commerce. Islander East's proposed natural gas pipeline would span from an interconnection near North Haven, Connecticut, and cross the Long Island Sound to a terminus in Suffolk County, New York. The National Oceanic and Atmospheric Administration (NOAA) processes many aspects of CZMA appeals for the Secretary, and therefore was asked to respond to your letter.

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Sincerely,

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

OFFICE OF THE GENERAL COUNSEL

FEB 28 2003

The Honorable Tim Bishop
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Bishop:

Thank you for your cosigned letter to Secretary Evans in support of the Islander East Pipeline Company's administrative appeal filed under the Coastal Zone Management Act (CZMA) and currently pending before the Department of Commerce. Islander East's proposed natural gas pipeline would span from an interconnection near North Haven, Connecticut, and cross the Long Island Sound to a terminus in Suffolk County, New York. The National Oceanic and Atmospheric Administration (NOAA) processes many aspects of CZMA appeals for the Secretary, and therefore was asked to respond to your letter.

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Thank you again for writing on this important matter.

Sincerely,

James R. Walpole
General Counsel



Enclosure

bcc: Andrew Larkin



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

OFFICE OF THE GENERAL COUNSEL

The Honorable Steve Israel
U.S. House of Representatives
Washington, D.C. 20515

FEB 28 2003

Dear Representative Israel:

Thank you for your cosigned letter to Secretary Evans in support of the Islander East Pipeline Company's administrative appeal filed under the Coastal Zone Management Act (CZMA) and currently pending before the Department of Commerce. Islander East's proposed natural gas pipeline would span from an interconnection near North Haven, Connecticut, and cross the Long Island Sound to a terminus in Suffolk County, New York. The National Oceanic and Atmospheric Administration (NOAA) processes many aspects of CZMA appeals for the Secretary, and therefore was asked to respond to your letter.

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Sincerely,

James R. Walpole
General Counsel



Enclosure

bcc: Andrew Larkin



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

OFFICE OF THE GENERAL COUNSEL

The Honorable Carolyn McCarthy
U.S. House of Representatives
Washington, D.C. 20515

FEB 28 2003

Dear Representative McCarthy:

Thank you for your cosigned letter to Secretary Evans in support of the Islander East Pipeline Company's administrative appeal filed under the Coastal Zone Management Act (CZMA) and currently pending before the Department of Commerce. Islander East's proposed natural gas pipeline would span from an interconnection near North Haven, Connecticut, and cross the Long Island Sound to a terminus in Suffolk County, New York. The National Oceanic and Atmospheric Administration (NOAA) processes many aspects of CZMA appeals for the Secretary, and therefore was asked to respond to your letter.

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Thank you again for writing on this important matter.

Sincerely,

James R. Walpole
General Counsel



Enclosure

bcc: Andrew Larkin

Form Number: None.

Type of Review: Regular submission.

Affected Public: State, Local, or Tribal Government; individuals or households; business or other for-profit organizations; and Federal government.

Estimated Number of Respondents: 4,111.

Estimated Time Per Response: 8 hours for a State objection or concurrence letter for a consistency certification or determination; 4 hours for a State request for review of unlisted activities; 1 hour for public notice requirements for a project; 4 hours for a request for remedial action of a supplemental review; 1 hour for coordination of a listing notice; 2 hours for a request for Secretarial mediation; and 200 hours for an appeal. These are average estimates and burden can significantly vary based on the individual situation.

Estimated Total Annual Burden Hours: 20,331.

Estimated Total Annual Cost to Public: \$8,000,000.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 16, 2003.

Gwellaar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-1649 Filed 1-23-03; 8:45 am]

20030123 0303 0303

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Federal Consistency Appeal by Islander East Pipeline Company From an Objection by the Connecticut Department of Environmental Protection

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

ACTION: Notice of appeal, request for comment, and notice of availability of appeal documents.

SUMMARY: The Islander East Pipeline Company has filed an administrative appeal with the Department of Commerce (Consistency Appeal of Islander East Pipeline Company, L.L.C.) asking that the Secretary of Commerce override the State of Connecticut's objection to Islander East's proposed natural gas pipeline. The pipeline would extend from an interconnection with an existing pipeline near North Haven, Connecticut, to a terminus on Long Island, New York, affecting the natural resources or land and water uses of Connecticut's coastal zone. This document: (a) Provides public notice of the appeal; (b) announces an opportunity for public comment on the appeal; and (c) identifies locations where documents comprising the appeal record will be available for review.

DATES: Public comments on the appeal must be received by May 8, 2003.

ADDRESSES: All e-mail comments on issues relevant to the Secretary's decision of this appeal may be submitted to IslanderEast.comments@noaa.gov. Comments may also be sent by mail to the Office of the General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, MD 20910. Materials from the appeal record will be available at the internet site www.ogc.doc.gov/czma.htm and at the Office of the General Counsel for Ocean Services. Also, public filings made by the parties to the appeal will be available for review at the Connecticut Department of Environmental Protection, 79 Elm Street, Hartford, CT.

FOR FURTHER INFORMATION CONTACT: Branden Blum, Senior Counselor, via e-mail at gcos.inquiries@noaa.gov, or at 301-713-2967, extension 186.

SUPPLEMENTARY INFORMATION:

I. Notice of Appeal

Islander East Pipeline Company, L.L.C. (Islander East or Appellant) filed a notice of appeal with the Secretary of Commerce (Secretary) pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. 1451 *et seq.*, and the Department of Commerce's implementing regulations, 15 CFR part 930, subpart H, (revised, effective January 8, 2001). The appeal is taken from an objection by the Connecticut Department of Environmental Protection (State) to Islander East's consistency certification for U.S. Army Corps of Engineers and Federal Energy Regulatory Commission permits to construct and operate a natural gas pipeline. The certification is required to indicate that the project is consistent with the State's coastal management program. The project would cross portions of the Long Island Sound, affecting the natural resources or land and water uses of Connecticut's coastal zone.

The Appellant request that the Secretary override the State's consistency objections on the two substantive grounds provided in the CZMA. The first ground requires the Secretary to determine that the proposed activity is "consistent with the objectives" of the CZMA. To make this determination, the Secretary must find that: (1) The proposed activity furthers the national interest as articulated in section 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 State of Connecticut's coastal zone management program. 15 CFR 930.121.

The second substantive ground for overriding a State's objection considers whether the proposed activity is necessary in the interest of national security. To reach this conclusion, the Secretary must find that a national defense or other national security interest would be significantly impaired if the activity in question was not permitted to go forward as proposed. 15 CFR 930.122.

II. Public Comments

Written public comments are invited on any of the issues that the Secretary must consider in deciding this appeal. Comments must be received by May 8,

2003, and may be submitted by e-mail to IslanderEast.comments@noaa.gov. Comments may also be sent by mail to the Office of the General Counsel for Ocean Services, National Oceanic and Atmospheric Administration (NOAA). Comments will be made available to the Appellant and the State; they will also be posted on a Department of Commerce website identified below.

III. Appeal Documents

The Secretary has required that Islander East file its initial brief and supplementary information on February 10, 2003, and that the State of Connecticut file its initial brief and supplementary material on March 24, 2003. NOAA intends to provide the public with access to all materials and related documents comprising the appeal record via the internet at www.ogc.doc.gov/czma.htm, except that certain materials or documents or portions thereof may be withheld if they contain confidential materials, critical energy infrastructure information, national security information or other types of information that would be inappropriate for public release. In addition, technical constraints may limit the internet availability of certain documents, such as oversized maps or exceedingly lengthy publications. All public materials and documents will be available during business hours at the NOAA Office of the General Counsel for Ocean Service. In addition, the State of Connecticut will make copies of public filings by the parties available for review during business hours at the office of the Connecticut Department of Environmental Protection.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance)

Dated: January 21, 2003.

James R. Walpole,
General Counsel.

[FR Doc. 03-1634 Filed 1-23-03; 8:45 am]

BILLING CODE 3510-26-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 020814191-2191-01]

Establishment of a Joint or Cooperative Institute Within the National Oceanic and Atmospheric Administration (NOAA) Office of Oceanic and Atmospheric Research (OAR) Joint and Cooperative Institute Program

AGENCY: Office of Oceanic and Atmospheric Research; National

Oceanic and Atmospheric Administration; Department of Commerce.

ACTION: Notice of Request for Letters of Intent and Guidelines for Submission of Full Proposals.

SUMMARY: NOAA invites interested institutions to submit Letters of Intent (LOI) indicating interest in establishing a Joint or Cooperative Institute within the National Oceanic and Atmospheric Administration (NOAA) Office of Oceanic and Atmospheric Research (OAR) Joint and Cooperative Institute Program. The proposed name of the Joint Institute will be the Cooperative Institute for Climate Applications and Research. The OAR Joint and Cooperative Institute Program is listed in the CFDA under number 11.432, Office of Oceanic and Atmospheric Research (OAR) Joint and Cooperative Institutes.

The Institutes represent a close link between OAR laboratories, other branches of NOAA and the external research community. NOAA collaborates on cooperative research activities and provides financial support to enhance the public benefits to be derived from these research activities. The Institutes are established based on their geographical proximity to a NOAA facility, and/or their expertise in areas related to the mission of the NOAA/OAR research laboratories.

DATES: Letters of Intent should be submitted no later than February 24, 2003. Response letters will be issued from NOAA approximately 45 days after the date of the Federal Register Announcement. Institutions will be informed of the submittal date for full proposals in the response letter.

ADDRESSES: Letters of Intent and proposals should be submitted to: Dr. Ants Leetmaa; NOAA Geophysical Fluid Dynamics Laboratory; Forrestral Campus Rt. 1; P.O. Box 308; Princeton, NJ 08452-0308.

An Application Kit can be obtained from: Mr. Michael Nelson; NOAA Grants Management Division; Silver Spring Metro Center Bldg. 2, Room 9348; Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Dr. Ants Leetmaa; NOAA Geophysical Fluid Dynamics Laboratory; Forrestral Campus Rt. 1; P.O. Box 308; Princeton, NJ 08452-0308.

SUPPLEMENTARY INFORMATION:

1. Program Authority

Authority: 49 U.S.C. 44720; 33 U.S.C. 883d; 15 U.S.C. 2907; 15 U.S.C. 2931.

II. Program Description

Funding: The base funding for the Institute is expected to be \$100,000 per year. However, funding is contingent upon availability of funds and is at the sole discretion of NOAA.

The funding instrument will be a Cooperative Agreement based on the envisioned substantial involvement of NOAA scientists in projects undertaken by the Institute. NOAA collaborates on cooperative research activities and provides financial support to enhance the public benefits to be derived from these research activities. NOAA envisions a sharing of expertise between CFDL and the proposed Institute in the areas of: earth system modeling, modern and paleoclimatic observations, and climate variability and change applications research. Funding for non-U.S. institutions and contractual arrangements for services and products for delivery to NOAA are not available under this announcement. The award will have an initial base term of five years. An OAR-sponsored, independent panel will conduct a review of the Institute during the fourth year of the five year term. The Panel's findings and recommendations will serve as the basis for renewal of the Institute for an additional five years.

Program Priorities: The Institute will be affiliated with the Geophysical Fluid Dynamics Laboratory (GFDL) located in Princeton, New Jersey. The Institute will align itself with the following GFDL research priorities:

a. *Earth System modeling:* Including, but not limited to, the development of dynamical models of the global climate system, and the production of forecasts of the long-term variability of the climate.

b. *Modern and paleoclimatic observations:* including but not limited to standard hydrographic observations and the construction and analysis of new proxies (e.g. geochemical and isotopic tracers in deep-sea sediments, aquifers, tree rings and ice cores) for studies of climate variability and change, including abrupt climate changes.

c. *Climate variability and change applications research:* including but not limited to the study of communication between forecasters and users of forecasts; the application of climate variability and change information to decision making in fields such as water resources, agriculture, human health, and policy making; and institutional mechanisms for responding to climate variability and change information.

The Institute is meant to be an integral component in a coordinated