



UNITED STATES DEPARTMENT OF COMMERCE
The Deputy Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

JAN 31 2003

The Honorable Ann M. Veneman
Secretary of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Dear Madam Secretary:

I am writing to request your agency's comments concerning an administrative appeal brought by the Islander East Pipeline Company (Islander East or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).¹ The appeal asks the Secretary to override the State of Connecticut's objection to Islander East's proposed natural gas pipeline that 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. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

The appeal is taken from an objection by the Connecticut Department of Environmental Protection to Islander East's consistency certification for permits requested from the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission to construct and operate the proposed pipeline. Islander East's certification is required to indicate that the project is consistent with the State's coastal management program. The State's objection, if made in a timely fashion, precludes Federal agencies from granting licenses or permits required by the project, unless the objection is overridden by the Secretary. See CZMA section 307(c)(3)(A), 16 U.S.C. § 1456(c)(3)(A), and 15 C.F.R. § 930.64.

In this appeal, the Appellant has requested the Secretary to override the State's consistency objection 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

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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. See 15 C.F.R. § 930.122.

The National Oceanic and Atmospheric Administration has been delegated the responsibility for undertaking many aspects of the CZMA administrative appeals process for the Secretary. In this context, I am requesting your agency's views on any of the above issues about which it may wish to comment. I note that materials and related documents contained in the appeal record are being made available for public review via the Internet at <http://www.ogc.doc.gov/czma.htm>. Portions of documents that are determined to contain national security or other information inappropriate for public dissemination will not be available at this site. The administrative record may also be reviewed at NOAA's Office of General Counsel for Ocean Services, located at the address below.

In order for this appeal to be decided in a timely fashion, I respectfully request that your agency's comments be submitted no later than **April 14, 2003**. Please forward any comments to: Branden Blum, Senior Counselor, c/o Office of the General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, Maryland 20910.

Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,



Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE
The Deputy Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

JAN 31 2003

The Honorable Donald H. Rumsfeld
Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

Dear Mr. Secretary:

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Sincerely,



Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE
The Deputy Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

JAN 31 2003

The Honorable Spencer Abraham
Secretary of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Mr. Secretary:

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Sincerely,



Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE
The Deputy Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

JAN 31 2003

The Honorable Gale Norton
Secretary of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Madam Secretary

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Sincerely,



Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE
The Deputy Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

JAN 31 2003

The Honorable Colin L. Powell
Secretary of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Mr. Secretary:

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Sincerely,



Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE
The Deputy Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

JAN 31 2003

The Honorable Norman Mineta
Secretary of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

Dear Mr. Secretary:

I am writing to request your agency's comments concerning an administrative appeal brought by the Islander East Pipeline Company (Islander East or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).¹ The appeal asks the Secretary to override the State of Connecticut's objection to Islander East's proposed natural gas pipeline that 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. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

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UNITED STATES DEPARTMENT OF COMMERCE
The Deputy Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

JAN 31 2003

The Honorable Kenneth W. Dam
Acting Secretary of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

Dear Mr. Secretary:

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UNITED STATES DEPARTMENT OF COMMERCE
The Deputy Under Secretary for
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Washington, D.C. 20230

JAN 3 | 2003

The Honorable Condoleezza Rice
Assistant to the President for
National Security Affairs
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20504

Dear Dr. Rice

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The Deputy Under Secretary for
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Washington, D.C. 20230

JAN 3 | 2003

The Honorable Christine Todd Whitman
Administrator, Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Ms. Whitman:

I am writing to request your agency's comments concerning an administrative appeal brought by the Islander East Pipeline Company (Islander East or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).¹ The appeal asks the Secretary to override the State of Connecticut's objection to Islander East's proposed natural gas pipeline that 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. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

The appeal is taken from an objection by the Connecticut Department of Environmental Protection to Islander East's consistency certification for permits requested from the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission to construct and operate the proposed pipeline. Islander East's certification is required to indicate that the project is consistent with the State's coastal management program. The State's objection, if made in a timely fashion, precludes Federal agencies from granting licenses or permits required by the project, unless the objection is overridden by the Secretary. See CZMA section 307(c)(3)(A), 16 U.S.C. § 1456(c)(3)(A), and 15 C.F.R. § 930.64.

In this appeal, the Appellant has requested the Secretary to override the State's consistency objection 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

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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. See 15 C.F.R. § 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. See 15 C.F.R. § 930.122.

The National Oceanic and Atmospheric Administration has been delegated the responsibility for undertaking many aspects of the CZMA administrative appeals process for the Secretary. In this context, I am requesting your agency's views on any of the above issues about which it may wish to comment. I note that materials and related documents contained in the appeal record are being made available for public review via the Internet at <http://www.ogc.doc.gov/czma.htm>. Portions of documents that are determined to contain national security or other information inappropriate for public dissemination will not be available at this site. The administrative record may also be reviewed at NOAA's Office of General Counsel for Ocean Services, located at the address below.

In order for this appeal to be decided in a timely fashion, I respectfully request that your agency's comments be submitted no later than **April 14, 2003**. Please forward any comments to: Branden Blum, Senior Counselor, c/o Office of the General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, Maryland 20910.

Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,

A handwritten signature in cursive script that reads "Scott B. Gudes". The signature is written in black ink and is positioned above the printed name.

Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE
The Deputy Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

JAN 31 2003

The Honorable Pat Wood III
Chairman, Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Dear Mr. Wood:

I am writing to request your agency's comments concerning an administrative appeal brought by the Islander East Pipeline Company (Islander East or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).¹ The appeal asks the Secretary to override the State of Connecticut's objection to Islander East's proposed natural gas pipeline that 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. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

The appeal is taken from an objection by the Connecticut Department of Environmental Protection to Islander East's consistency certification for permits requested from the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission to construct and operate the proposed pipeline. Islander East's certification is required to indicate that the project is consistent with the State's coastal management program. The State's objection, if made in a timely fashion, precludes Federal agencies from granting licenses or permits required by the project, unless the objection is overridden by the Secretary. See CZMA section 307(c)(3)(A), 16 U.S.C. § 1456(c)(3)(A), and 15 C.F.R. § 930.64.

In this appeal, the Appellant has requested the Secretary to override the State's consistency objection 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

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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. See 15 C.F.R. § 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. See 15 C.F.R. § 930.122.

The National Oceanic and Atmospheric Administration has been delegated the responsibility for undertaking many aspects of the CZMA administrative appeals process for the Secretary. In this context, I am requesting your agency's views on any of the above issues about which it may wish to comment. I note that materials and related documents contained in the appeal record are being made available for public review via the Internet at <http://www.ogc.doc.gov/czma.htm>. Portions of documents that are determined to contain national security or other information inappropriate for public dissemination will not be available at this site. The administrative record may also be reviewed at NOAA's Office of General Counsel for Ocean Services, located at the address below.

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Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,


Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE
The Deputy Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

JAN 31 2003

Lieutenant General Robert B. Flowers
Chief of Engineers, Commanding General
U.S. Army Corps of Engineers
441 G Street, N.W.
Washington, D.C. 20314-1000

Dear General Flowers:

I am writing to request your agency's comments concerning an administrative appeal brought by the Islander East Pipeline Company (Islander East or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).¹ The appeal asks the Secretary to override the State of Connecticut's objection to Islander East's proposed natural gas pipeline that 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. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

The appeal is taken from an objection by the Connecticut Department of Environmental Protection to Islander East's consistency certification for permits requested from the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission to construct and operate the proposed pipeline. Islander East's certification is required to indicate that the project is consistent with the State's coastal management program. The State's objection, if made in a timely fashion, precludes Federal agencies from granting licenses or permits required by the project, unless the objection is overridden by the Secretary. See CZMA section 307(c)(3)(A), 16 U.S.C. § 1456(c)(3)(A), and 15 C.F.R. § 930.64.

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Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott B. Gudes". The signature is fluid and cursive, with a long horizontal stroke at the end.

Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE
The Deputy Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

JAN 3 2003

Admiral Thomas H. Collins
Commandant, U.S. Coast Guard
2100 Second Street, S.W.
Washington, D.C. 20593-0001

Dear Admiral Collins:

I am writing to request your agency's comments concerning an administrative appeal brought by the Islander East Pipeline Company (Islander East or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).¹ The appeal asks the Secretary to override the State of Connecticut's objection to Islander East's proposed natural gas pipeline that 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. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

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In this appeal, the Appellant has requested the Secretary to override the State's consistency objection 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

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Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,

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Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE
The Deputy Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

JAN 3 | 2003

Mr. Steven A. Williams
Director, U.S. Fish and Wildlife Service
Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Mr. Williams:

I am writing to request your agency's comments concerning an administrative appeal brought by the Islander East Pipeline Company (Islander East or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).¹ The appeal asks the Secretary to override the State of Connecticut's objection to Islander East's proposed natural gas pipeline that 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. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

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Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,



Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE
The Deputy Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

JAN 31 2003

Ms. Rejane Burton
Director, Minerals Management Service
Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Ms. Burton:

I am writing to request your agency's comments concerning an administrative appeal brought by the Islander East Pipeline Company (Islander East or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).¹ The appeal asks the Secretary to override the State of Connecticut's objection to Islander East's proposed natural gas pipeline that 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. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

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Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott B. Gudes", written in a cursive style.

Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE
The Deputy Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

JAN 31 2003

Ms. Fran Mainella
Director, National Park Service
Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Ms. Mainella:

I am writing to request your agency's comments concerning an administrative appeal brought by the Islander East Pipeline Company (Islander East or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).¹ The appeal asks the Secretary to override the State of Connecticut's objection to Islander East's proposed natural gas pipeline that 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. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

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Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,



Scott B. Gudes



JAN 31 2003

MEMORANDUM FOR: William T. Hogarth
Assistant Administrator for Fisheries

FROM: Scott B. Gudes 

SUBJECT: Department of Commerce Administrative Appeal - Islander East Pipeline Company

I am writing to request the comments of the National Marine Fisheries Service concerning an administrative appeal brought by the Islander East Pipeline Company (Islander East or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).¹ The appeal asks the Secretary to override the State of Connecticut's objection to Islander East's proposed natural gas pipeline that 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. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

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The National Oceanic and Atmospheric Administration has been delegated the responsibility for undertaking many aspects of the CZMA administrative appeals process for the Secretary. In this context, I am requesting NMFS' views on any of the above issues about which it may wish to comment. I note that materials and related documents contained in the appeal record are being made available for public review via the Internet at <http://www.ogc.doc.gov/czma.htm>. Portions of documents that are determined to contain national security or other information inappropriate for public dissemination will not be available at this site. The administrative record may also be reviewed at NOAA's Office of General Counsel for Ocean Services, located at the address below.

In order for this appeal to be decided in a timely fashion, please submit your comments no later than **April 14, 2003**. Please forward any comments to: Branden Blum, Senior Counselor, c/o Office of the General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, 910.

Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.