



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

OFFICE OF THE GENERAL COUNSEL

January 30, 2009

VIA E-MAIL, FAX, AND U.S. MAIL

Robert J. Alessi
Dewey & LeBoeuf LLP
125 West 55th Street
New York, New York 10019

Susan Watson
General Counsel
New York Department of State
99 Washington Avenue
Albany, New York 12231

Re: Request for Comments – Consistency Appeal of Broadwater Energy LLC
and Broadwater Pipeline LLC

Dear Mr. Alessi and Ms. Watson:

This letter provides notice that the National Oceanic and Atmospheric Administration (NOAA) has received comments from interested federal agencies in the federal consistency appeal filed by Broadwater Energy LLC and Broadwater Pipeline LLC (collectively, Broadwater). This notice also provides the parties an opportunity to respond to comments offered by the agencies prior to closure of the decision record.

The Secretary of Commerce (Secretary) stayed the closure of the decision record in this appeal on December 10, 2008. At that time, the Secretary explained that one of the reasons for staying closure of the decision record was to request comments from interested federal agencies pursuant to the requirements of the Coastal Zone Management Act (CZMA), 16 U.S.C. § 1456(c)(3)(A), and NOAA's implementing regulations, 15 C.F.R. §§ 930.122, 930.127.

On December 1, 2008, NOAA requested comments regarding the national security implications of the Broadwater project from several federal agencies, including the Departments of Defense, Homeland Security, Justice, State, Energy, and Transportation, as well as the National Security Council and Homeland Security Council. On December 2, 2008, NOAA also requested comments from federal permitting agencies, including the Federal Energy Regulatory Commission, Army Corps of Engineers, and Coast Guard, as well as federal resources agencies, such as the Environmental Protection Agency, Fish & Wildlife Service, and National Marine Fisheries Service.



NOAA has received responses to its requests from the Federal Energy Regulatory Commission, Coast Guard, Department of Defense, Environmental Protection Agency, Fish & Wildlife Service, and National Marine Fisheries Service. The agencies' responses are available on NOAA's CZMA consistency appeals website at <http://www.ogc.doc.gov/czma.htm> and are enclosed with this letter.

The parties hereby have an opportunity to respond to any comments offered by these agencies. Due to the impending closure of the decision record on February 13, 2009, responses must be received no later than February 6, 2009. Each party may then reply to the other party's comments no later than February 10, 2009. No responses will be accepted after the closure of the decision record on February 13, 2009.

Responses and questions should be directed to Jamon Bollock, NOAA Office of General Counsel for Ocean Services (GCOS), at (301) 713-7392 or by e-mail at jamon.bollock@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel La Bissonniere", with a long horizontal flourish extending to the right.

Joel La Bissonniere
Assistant General Counsel
for Ocean Services

Enclosures: Comments of the Federal Energy Regulatory Commission
Comments of the Coast Guard
Comments of the Department of Defense
Comments of the Environmental Protection Agency
Comments of the Fish & Wildlife Service
Comments of the National Marine Fisheries Service

Copies: Jeffrey Kuhn, Dewey & LeBoeuf LLP
James Thompson, Dewey & LeBoeuf LLP
Lorraine Cortes-Vazquez, Secretary of State, State of New York
Isaac Cheng, New York Attorney General's Office