



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

OFFICE OF THE GENERAL COUNSEL

April 9, 2008

Admiral Thad W. Allen
Commandant, U.S. Coast Guard
2100 Second Street, S.W.,
Washington, DC 20593

Dear Admiral Allen:

I am writing to request your agency's comments on an administrative appeal pending before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).¹

The appeal at issue is brought by Weaver's Cove Energy, LLC (Weaver's Cove) and Mill River Pipeline, LLC (Mill River). Weaver's Cove and Mill River appeal the Commonwealth of Massachusetts' objections to their proposed liquefied natural gas (LNG) terminal in Fall River, Massachusetts and two associated pipeline laterals to an interstate pipeline grid serving the New England region. This project would affect the natural resources or land and water uses of Massachusetts' coastal zone.² Massachusetts' objections to the project preclude Federal agencies from granting licenses or permits required by the project, unless the objections are overridden by the Secretary. *See* 16 U.S.C. § 1456(c)(3)(A); 15 C.F.R. § 930.64.

One of the grounds provided by the CZMA for the Secretary to override a state's objection is if the proposed activity is "consistent with the objectives" of the CZMA. 16 U.S.C. § 1456(c)(3)(A). 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 Commonwealth of Massachusetts' coastal zone management program. *See* 15 C.F.R. § 930.121.

¹ *See* section 307(c)(3)(A) of the CZMA, as amended, 16 U.S.C. §§ 1451 *et seq.* The Department of Commerce's implementing regulations for CZMA appeals are found at 15 C.F.R. Part 930, Subpart H.

² For additional background on Weaver's Cove and Mill River proposed project, please refer to the appeal records, which may be reviewed at NOAA's Office of General Counsel for Ocean Services, located at the address below. The briefs of the parties and other relevant materials are available via the Internet at <http://www.ogc.doc.gov/czma.htm>.

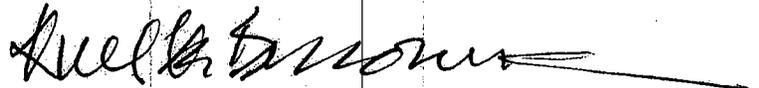


Your agency has been identified as one with a potential interest in Weaver's Cove's and Mill River's administrative appeal. As such, I am requesting any views your agency may wish to provide on any adverse coastal effects the project may have, when those effects are considered separately or cumulatively.

In order for these appeals to be decided in a timely fashion, I respectfully request that your views be submitted no later than **April 25, 2008**. Please forward any comments to: Brett Grosko, Attorney-Advisor, c/o Office of the General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, SSMC IV, Suite 6111, Silver Spring, Maryland 20910.

Should your staff have questions concerning this letter, please contact Mr. Grosko at (301) 713-7384 or by e-mail at brett.grosko@noaa.gov.

Sincerely,

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

Joel La Bissonniere
Assistant General Counsel
for Ocean Services



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

OFFICE OF THE GENERAL COUNSEL

April 9, 2008

The Honorable Stephen Johnson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Mr. Johnson:

I am writing to request your agency's comments on an administrative appeal pending before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).¹

The appeal at issue is brought by Weaver's Cove Energy, LLC (Weaver's Cove) and Mill River Pipeline, LLC (Mill River). Weaver's Cove and Mill River appeal the Commonwealth of Massachusetts' objections to their proposed liquefied natural gas (LNG) terminal in Fall River, Massachusetts and two associated pipeline laterals to an interstate pipeline grid serving the New England region. This project would affect the natural resources or land and water uses of Massachusetts' coastal zone.² Massachusetts' objections to the project preclude Federal agencies from granting licenses or permits required by the project, unless the objections are overridden by the Secretary. *See* 16 U.S.C. § 1456(c)(3)(A); 15 C.F.R. § 930.64.

One of the grounds provided by the CZMA for the Secretary to override a state's objection is if the proposed activity is "consistent with the objectives" of the CZMA. 16 U.S.C. § 1456(c)(3)(A). 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 Commonwealth of Massachusetts' coastal zone management program. *See* 15 C.F.R. § 930.121.

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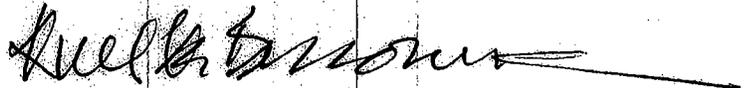


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Joel La Bissonniere
Assistant General Counsel
for Ocean Services



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

OFFICE OF THE GENERAL COUNSEL

April 9, 2008

The Honorable Dirk Kempthorne
Secretary
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Mr. Kempthorne:

I am writing to request your agency's comments on an administrative appeal pending before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).¹

The appeal at issue is brought by Weaver's Cove Energy, LLC (Weaver's Cove) and Mill River Pipeline, LLC (Mill River). Weaver's Cove and Mill River appeal the Commonwealth of Massachusetts' objections to their proposed liquefied natural gas (LNG) terminal in Fall River, Massachusetts and two associated pipeline laterals to an interstate pipeline grid serving the New England region. This project would affect the natural resources or land and water uses of Massachusetts' coastal zone.² Massachusetts' objections to the project preclude Federal agencies from granting licenses or permits required by the project, unless the objections are overridden by the Secretary. *See* 16 U.S.C. § 1456(c)(3)(A); 15 C.F.R. § 930.64.

One of the grounds provided by the CZMA for the Secretary to override a state's objection is if the proposed activity is "consistent with the objectives" of the CZMA. 16 U.S.C. § 1456(c)(3)(A). 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 Commonwealth of Massachusetts' coastal zone management program. *See* 15 C.F.R. § 930.121.

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