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CHARLES E. SCHUMER  
NEW YORKCOMMITTEES:  
BANKING  
JUDICIARY  
RULES**United States Senate**

WASHINGTON, DC 20510

June 11, 2002

The Hon. Donald Evans  
Secretary, US Department of Commerce  
Fourteenth and Constitution Avenues, NW  
Washington, DC 20230

Dear Secretary Evans:

I am writing with regard to the proposed Millennium Pipeline, and the appeal which the natural gas pipeline's developer intends to file with your department. The notice of appeal, announced Friday, June 7, by Millennium Pipeline Company, L.P., takes issue with the May 9, 2002 decision by the New York Department of State that the project does not meet the consistency provisions of the federal Coastal Zone Management Act.

I am writing today to urge the Department of Commerce to carefully weigh the issues raised by the local officials and residents living in and around the communities impacted by the pipeline, the New York Department of State, and the Millennium Pipeline Company. In order to make certain that concerns of the communities are heard and given full consideration, I ask that your Department hold a public hearing in Westchester County early in the appeals process. I would appreciate it if the hearing would be announced well in advance and held at a convenient time in order to ensure that all those who wish to participate are able to do so.

There is clearly a need to bring more natural gas into New York State to make us less reliant on foreign energy sources and to help us continue to grow. I also believe that our national energy policy is well served by regional energy planning and by encouraging shared rights of way and infrastructure. However, the siting of a natural gas pipeline must be done in as community-friendly a way as possible, and without irreversible harm to the environment or unacceptable risk to the health and safety of residents.

The appeals process you will soon undertake is an opportunity for these issues and priorities to be fully assessed, and I urge you to make certain that the views of those most directly affected by your decision are given full consideration.

Thank you for your attention to this matter and I look forward to your favorable response.

Sincerely,



Charles E. Schumer  
United States Senator



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

OFFICE OF THE GENERAL COUNSEL

JUN 25 2002

Senator Charles E. Schumer  
Congress of the United States  
Washington, D.C. 20515

Dear Senator Schumer:

Thank you very much for your letter to the Secretary of Commerce (Secretary) concerning the objection of the New York Department of State (New York State) to the Millennium Pipeline Company, L.P., (Millennium Pipeline) application for a F.E.R.C. permit to operate a natural gas pipeline. Since this appeal is now before the Secretary for review under the Coastal Zone Management Act (CZMA), I am responding on his behalf.

New York State's participation in the federal Coastal Zone Management Program, authorized by the CZMA, entitles it to require applicants for a Federal license or permit, affecting the coastal uses or resources of New York, to be consistent with New York State's federally approved coastal management program. The CZMA also allows applicants, in this case Millennium Pipeline, who have received an objection from a state with an approved coastal program, to appeal to the Secretary of Commerce to allow the proposed activity to be permitted if the Secretary finds the proposed activity is consistent with the objectives of the CZMA or otherwise necessary in the interest of national security. 16 U.S.C. 1456(c)(3)(A).

Millennium Pipeline filed an appeal with the Secretary on Friday, June 7, 2002. Therefore, the subject of your letter is now a matter for decision by the Secretary based on the administrative record and therefore my response is limited to procedural matters.

You have inquired about the procedures for this consistency appeal, requested a public hearing and asked that the Department of Commerce be responsive to requests for information from the people of the State of New York. The development of an administrative record, including briefs and supplementary information submitted by both New York State and Millennium Pipeline is undertaken by the National Oceanic and Atmospheric Administration's (NOAA) Office of General Counsel. NOAA will



handle this consistency appeal in the normal course, applying the rules of procedure provided in 15 CFR 930 Subpart H. Your request for a public hearing, and those of other requesters, will be considered and ruled upon as quickly as normal administrative procedures allow. We will notify your office when such a decision is made.

As part of the regular consistency appeal procedures, there will be an opportunity for public comment on the consistency appeal. Notice of the opportunity for public comment will be provided in the Federal Register and in the newspapers of the localities affected by the proposed activity. We have added your letter to the administrative record and look forward to receiving your comments on the effects of Millennium Pipeline's proposed activity on the coastal uses and resources of New York and any other substantive issues during that time. We will be sure to notify your office of the public comment period in a timely manner. Further inquiries should be addressed to Karl Gleaves, Office of General Counsel for Ocean Services, (301) 713-2967, extension 204.

Sincerely,

  
James R. Walpole  
General Counsel