

Subject: Statement submitted to by Sen. Schumer per Millennium Pipeli

Resent-From: Millennium.Comments@noaa.gov

Date: Wed, 20 Nov 2002 14:37:49 -0500

From: Carl_Meacham@schumer.senate.gov (Carl Meacham)

To: millennium.comments@noaa.gov

CC: Martin_Brennan@schumer.senate.gov (Martin Brennan), schumer@valstar.net

Attached you will find a copy of the statement submitted by Sen. Schumer concerning the appeal of the new York Department of State consistency determination by the Millennium Pipeline Company. Please forward to Sec. Evans and the pertinent officials. Many thanks, Carl

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 SenSchumercomments.wpd	<p>Name: SenSchumercomments.wpd Type: WordPerfect 10 Document (application/x-unknown-content-type-WP10Doc) Encoding: x-uuencode Description: Unknown data type Download Status: Not downloaded with message</p>
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November 13, 2002

The Honorable Don Evans
Secretary
U.S. Department of Commerce
Fourteenth and Constitution Avenues, NW
Washington, DC 20230
E-mail: millennium.comments@noaa.gov

Dear Secretary Evans:

I am submitting the following comments concerning the appeal of the New York Department of State consistency determination by the Millennium Pipeline Company.

First, I appreciate the agency's decision to hold a public hearing today in Westchester County, something which I had written and asked you to consider on June 11, 2002, four days after Millennium filed its appeal. Many other officials from Westchester and New York State also requested such a local forum for the public to speak. This is one indication of the tremendously high level of public interest and concern about the Millennium Pipeline project, and how important it is for a federal agency to hear local input first-hand, rather than make decisions in Washington solely from written documents submitted in the case.

As I stated in my June 11th letter, I urge you to weigh very carefully the concerns that have been expressed by local officials and residents, by the state of New York, the City of New York, the Town of Cortlandt, and the Villages of Croton-on-Hudson and Briarcliff Manor with regard to the proposed Millennium Pipeline route and its impacts. A number of serious issues pertinent to Coastal Zone Management (CZM) consistency have been raised; they deserve exhaustive and expert evaluation by the Department of Commerce before a final decision is made on the appeal.

The Federal Energy Regulatory Commission (FERC) has already certificated the proposed route, subject to remaining approvals, including CZM consistency. Therefore, your review is one of the last opportunities to redress any critical problems with the project. The New York Department of State (NYDOS) determined that the project is not consistent with the New York Coastal Zone Management Program under the Federal Coastal Zone Management Act (CZMA) for three reasons: serious, long-term damage to the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat, particularly from blasting and dredging during construction; the proximity of the proposed route to the Bryn Mawr Siphon of the Catskill Aqueduct, a critical piece of drinking water infrastructure for nine million New Yorkers; and the potential impacts from the pipeline's route through the well field that is the primary domestic water supply for the Village of Croton-on-Hudson.

You will be considering whether or not, under the provisions of the CZMA, there are strong reasons to overturn the NYSDOS consistency finding, in light of security and other national interests, the aims of the CZMA, and the existence of better alternatives. Tremendous effort has gone into siting the pipeline east of Rockland County. During the more than four years that the Millennium Pipeline has been under development, a number of routes for this portion of the pipeline were explored by the developer and by FERC.

FERC, in its Environmental Impact Statement (EIS) process, reviewed many alternatives before certifying the proposed route. The Millennium Pipeline Company worked with land owners and elected officials in certain communities, such as Mount Vernon, to alter its proposed route to accommodate local concerns and mitigate unwanted impacts. Local officials and citizens have spent a great deal of time, and in some cases, money, to find alternatives, including those advocated in the brief filed with your agency by the Village of Croton-on-Hudson. The NYDOS, in its brief, identifies alternatives which it suggests should be examined or re-examined.

There are also issues that were not cited in the NYDOS consistency determination that remain of concern to residents in Westchester, such as the proximity of the proposed pipeline route to the Briarcliff Manor schools. During the FERC EIS process, I opposed the siting of the pipeline so close to Todd School. Since that route was certified by FERC, I have asked that Millennium work with the community to move the route as far as possible from the schools.

I believe New York needs more energy supplies for its long-term growth, and I also believe that the siting of energy facilities, such as the Millennium natural gas pipeline, must be done in a way that is as community-friendly as possible and that does not cause irreversible harm to the environment or unacceptable risks to health or safety. In a situation such as the siting of this natural gas pipeline, where serious and valid concerns have been expressed by all the parties, it is the role of the federal government, and especially federal agencies with expertise in the issues under consideration, to help arrive at a solution that addresses the needs and concerns of all those who will be affected by the decision. Accordingly, it is my hope that through its ruling, the Department of Commerce will be able to bring about such a resolution.

The approval process for major new energy projects is a lengthy one, involving many federal and state agencies as well as extensive public input. The goal of the entire process is to uphold the public interest -- ensuring long-term energy sufficiency and protecting vital national interests while safeguarding the environment and local communities. I urge you to take into account all the information presented by all parties in making your final judgment.

Sincerely,



Charles E. Schumer
U.S. Senator