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U.S. COMMERCE DEPT./OLIA
JANUARY 31/02

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ELIOT L. ENGEL
17TH DISTRICT, NEW YORK

ENERGY AND COMMERCE COMMITTEE
SUBCOMMITTEES:
HEALTH
TELECOMMUNICATIONS AND THE INTERNET
INTERNATIONAL RELATIONS COMMITTEE
SUBCOMMITTEES:
EUROPE
MIDDLE EAST AND SOUTH ASIA

Congress of the United States
House of Representatives
Washington, DC 20515-3217

May 10, 2002

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The Honorable Don Evans
Secretary
U.S. Department of Commerce
14th & Constitution Ave. NW
Washington, DC 20230

Dear Secretary Evans:

As you know, the New York Department of State announced yesterday, May 9th, that the proposed route for the Millennium Pipeline is inconsistent with the policies of the New York State Coastal Management Program. We understand that the Columbia Gas Transmission Corp. has appealed the Department of State's decision to you. We are writing in support of the decision and to request that you uphold the Department of State's determination to block the dredging of the Hudson River at Haverstraw Bay.

We firmly believe that the New York Department of State's decision was based on sound environmental policy and good science. We are concerned with the environmental impact that the pipeline crossing would have on the local environment, the community's drinking water, and community development. First and foremost, we are concerned that dredging the 2.1 miles of the Hudson River would disrupt fish and other wildlife in the bay. As a fish estuary, Haverstraw Bay is one of the most biologically diverse sections of the river and should be preserved and protected, not disrupted for the laying of a pipeline. Secondly, New York City and Westchester's drinking water could be detrimentally impacted because of water conduits in the same area where the pipeline would go. Finally, the revitalization of local waterfronts would be impaired, harming local economic development efforts in Haverstraw and Croton-on-Hudson.

While we are concerned about the need for energy supply in the New York metro area, we do not believe it should come at the expense of New York's biodiversity or environment. We hope that you will support the New York Department of State's decision.

We thank you for your attention to our request.

Sincerely,



Eliot L. Engel
Member of Congress



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

OFFICE OF THE GENERAL COUNSEL

JUL 25 2002

Representative Eliot L. Engel
House of Representatives
Washington, D.C. 20515-3217

Dear Representative Engel:

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 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 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.

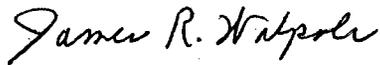


NOAA will handle this consistency appeal in the normal course, applying the rules of procedure provided in 15 CFR 930 Subpart H.

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.

Thank you very much for your inquiry to the Secretary of Commerce.

Sincerely,



James R. Walpole
General Counsel