



DEPARTMENT OF STATE

George E. Pataki  
Governor  
Alexander F. Treadwell  
Secretary of State

Division of  
Coastal Resources  
41 State Street  
Albany, NY 12231-0001

April 5, 2001

Thomas S. West  
LeBoeuf, Lamb, Greene & MacRae  
One Commerce Plaza  
Suite 2020  
99 Washington Avenue  
Albany, New York 12210-2820

Re: F-2001-0246 (formerly F-98-0173)  
Federal Energy Regulatory Commission Docket No. CP98-150-000; U.S. Army Corps of Engineers/New York District Application # 1999-00640, Buffalo District # 97-320-0003(2), Pittsburgh District # 1997-01186  
Lake Erie and Hudson River  
Canada and U.S. border in Lake Erie to Mount Vernon, Westchester County, New York

Received FERC SDEIS, and Commencement of Review

Dear Mr. West:

On March 12, 2001, the Department of State (DOS) received a copy of the Federal Energy Regulatory Commission (FERC) Supplemental Draft Environmental Impact Statement (SDEIS) regarding the proposed Millennium Pipeline Project. The Department has also received your letter dated March 23, 2001 transmitting a March, 2001 "supplemental submission" by Millennium regarding the consistency of the proposed pipeline project with the New York Coastal Management Program (CMP) and Village of Croton-On-Hudson Local Waterfront Revitalization Program (LWRP).

The Department's review of a consistency certification for activities requiring the preparation of an environmental impact statement pursuant to the National Environmental Policy Act does not ordinarily begin until a Final Environmental Impact Statement (FEIS) has been completed and received by DOS. This procedure is required to ensure that: (1) the Department's review involves a proposal that is not likely to undergo significant changes; and (2) sufficient information and data is provided to conduct and complete the Department's review and decision-making in accordance with federal regulations and the CMP. In this instance, however, DOS began its consistency review of the Millennium Pipeline project upon receipt of the Supplemental Draft Environmental Impact Statement (SDEIS) prepared by FERC, because the SDEIS and other documentation that you provided appear to address all relevant coastal concerns and it is likely that the proposed project will not be significantly changed in the FEIS.

The Department's review of the proposed Millennium Pipeline and the consistency certification that was submitted for it, pursuant to 15 CFR Part 930, Subpart D, began on March 12, 2001. The Department will notify you, FERC, and the U.S. Army Corps of Engineers of our decision to concur with or object to the consistency certification that was submitted for this proposal when we have completed our review pursuant to 15 CFR Part 930.

Please be advised, however, that should Millennium's project be significantly changed as a result of the federal

Mr. Thomas S. West  
F-2001-0246  
April 5, 2001  
Page 2.

environmental review process, a new consistency review may be necessary.

When communicating with us regarding this proposal, please refer to Department of State file number F-2001-0246.

Sincerely,



William F. Barton  
Assistant Director

c: COE/New York District - Richard Tomer and George Nieves  
COE/Buffalo District - Paul Leuchner  
NYS DEC/Central Office - Lenore Kuwik and William Little