

Elizabeth Umland

From: Ralph Lancaster
Sent: Thursday, November 09, 2006 10:50 AM
To: Elizabeth Umland
Subject: FW: NJ v. Del.: privilege log

Ralph I. Lancaster, Jr.

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From: Frederick, David C. [<mailto:DFREDERICK@KHTE.com>]
Sent: Wednesday, November 08, 2006 6:15 PM
To: Ralph Lancaster
Cc: Rachel.Horowitz@dol.lps.state.nj.us; Seitz, Collins; Mark Porada; barbara.conklin@dol.lps.state.nj.us
Subject: FW: NJ v. Del.: privilege log

Dear Mr. Lancaster,

Ms. Horowitz has advised me that we neglected to attach New Jersey's privilege log to Delaware's progress report submitted to you earlier this evening by my colleague Scott Attaway. I am on travel at the moment, but would like to apologize for the inconvenience this may have caused. I attach it here.

Respectfully submitted,
David Frederick

From: Rachel Horowitz [<mailto:Rachel.Horowitz@dol.lps.state.nj.us>]
Sent: Wed 11/8/2006 5:59 PM
To: Seitz, Collins; Frederick, David C.
Cc: Barbara Conklin; Gerard Burke; John Renella
Subject: Fwd: NJ v. Del.: privilege log

David, I just read Del. progress report, and note it did not attach the current NJ privilege log, which was forwarded to you last week

(attached)

Rachel

Elizabeth Umland

From: Rachel Horowitz [Rachel.Horowitz@dol.lps.state.nj.us]
Sent: Friday, November 03, 2006 10:45 AM
To: Seitz, Collins; Frederick, David C.
Cc: Amy Donlon; Barbara Conklin; Dean Jablonski; Eileen Kelly; Gerard Burke; Julie Goldman; William Andersen
Subject: NJ v. Del.: privilege log

Dear Counsel,

Please find attached New Jersey's revised privilege log, adding the details discussed earlier this week.

Rachel Horowitz, DAG
609-984-6811

**NEW JERSEY v. DELAWARE
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 PLAINTIFF'S PRIVILEGE LOG**

BATES STAMP	DATE	SENDER	REC(S) & CC	GENERAL SUBJECT	PRIVILEGE CLAIMED	DETAILS
Coastal Management Docs						
	10/29/1991 Memo	Lawrence J. Baier, Principal Planner Office of Regulatory Policy	Steven C. Whitney, Asst. Director Office of Regulatory Policy	Delaware - New Jersey Coastal Management Plans	Deliberative Process	Contains author's opinion on differences between State plans and suggested options to improve inter- plan consistency
	10/28/1991 Handwritten note	Trudie	Steve Whitney	Meeting	Deliberative Process	Suggests issues to discuss with DNREC

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	5/17/1994 Letter: handwritten note on document	Helen C. P. Farr, Program Specialist National Oceanic and Atmospheric Administration	Ernest Hahn Steve Whitney Laurie McGilvray Brett Joseph	Rules on Coastal Management	Handwrit- ten Notes on Document, Deliberative Process	Internal notes commenting on communication
	11/30/1994 Memo	Steven Whitney	Larry Schmidt Ernie Hahn Marty Bierbaum	Revision of OCS Policy within the rules of Coastal Zone Management	Deliberative Process	Discusses NJDEP's interaction with Fed. OCRM
	7/18/1994 Email	Ruth Ehinger	Dorina Frizzera	t. fowler - marinas	Deliberative Process	Policy discussion of proposed revisions to draft MOA with Delaware
	7/19/1994 Email	Dorina Frizzera	Ruth Ehinger	DE/NJ Comp	Deliberative Process	Seeks policy input on possible permit coordination
	7/21/1994 Email	JoAnn Cubberley	Steven Whitney	Draft MOA/NJ & DE	Deliberative Process	Suggests revisions to draft MOA

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	10/28/1993 Draft	None	None	Draft MOA between New Jersey Department of Environmental Protection and Delaware Department of Natural Resources and Environmental Control	Deliberative Process	Suggests revisions to draft MOA
	7/7/1994 Memo: handwritten notes on document	Steven Whitney	Distribution: Sarah Cooksey, DNREC Robert Tudor, USEPA John Weingart, NJDEP Martin Bierbaum, NJDEP Ernest Hahn, NJDEP Ruth Ehinger, NJDEP Theresa Fowler, NJDEP Dennis Hart, NJDEP Bill O'Sullivan, NJDEP Tom Wells, NJDEP JoAnn Cubberly, NJDEP	New Jersey/Delaware Memorandum of Agreement,	Handwritten notes on document, Deliberative Process	Suggests revisions to draft MOA

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	10/18/1994 Letter: handwritten notes on document	Vickie A. Allin, Chief Policy Coordination Division, National Oceanic and Atmospheric Administration	Robert C. Shinn, Commissioner, NJDEP Steven Whitney	Coastal Zone Management Act,	Handwrit- ten Notes on Document, Deliberative Process.	Notes commenting on document contents
	Dec. 05 (no year) handwritten notes	NJDEP Staff	none	Shoreline Master plan	10 pages of handwritten notes, deliberative process	Internal notes raising various issues of concern in shoreline management
	7/17/1996 Letter: handwritten notes on document	Helen C. P. Grady, Program Specialist National Oceanic and Atmospheric Administration	Dorina Frizzera, Environmental Specialist Office of Environmental Planning	FY96 Award Application	Handwrit- ten notes on document, deliberative process	Suggests responses to issues raised by NOAA
	5/11/1995 email	Steven Whitney	Ernie Hahn	312 Evaluation	Deliberative Process	Discusses issues raised in evaluation

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	11/16/1994 email	Marin Bierbaum	Dan Van Abs Steve Whitney Barry Chalofsky	Reorganization Memorandum	Deliberative Process	Discusses issues associated with NJDEP reorganization
	11/17/1994	Steven Whitney	Martin Bierbaum	Reorganization Memorandum	Deliberative Process	Discusses issues associated with NJDEP reorganization
	11/30/1994 Memo	Steven Whitney	Larry Schmidt, Policy and Planing	Revision of OCS Policy within the Rules on Coastal Zone Management	Deliberative Process	Discusses NJDEP interaction with fed. OCRM on OCS policy
	7/14/1995 Email Memo	Martin Bierbaum	Ernie Hahn Leroy Cattaneo Bernie Moore	Coastal Planning Meeting 7/14/1995	Deliberative Process	Discusses policy and internal coordination issues arising from NJDEP reorganization

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	6/15/1995 Email Memo	Martin Bierbaum	Lewis Nagy Steven Whitney	CZM Program	Deliberative Process	Identifies issues in preparation for meeting
	6/2/1995 Email Memo	Martin Bierbaum	Lewis Nagy Steven Whitney	Confidential Memorandum	Deliberative Process	Discusses internal process for comment on NOAA eval.
	5/18/1995 Memo	Ernest P. Hahn, Administrator Land Use Regulation Program	Management Team	Comments on NOAA Evaluation	Deliberative Process	Proposed responses to draft NOAA findings
	3/12/1996 Memo	Kimberly Springer	Steven Whitney	Comments on Draft response to NOAA evaluation meeting and report	Deliberative Process	Proposed responses to draft NOAA findings
	11/18/1994 Email and attached memo	Martin Bierbaum	Steven Whitney	Coastal Briefing	Deliberative Process	Suggests revisions for draft memo

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	11/22/1994	Steven Whitney	Robert Shinn, Commissioner Mark Smith, Chief of Staff Catherine Cowan, Asst. Commissioner, Environmental Regulation Lewis Nagy, Asst. Commissioner, Policy & Planning Marlen Dooley, Asst. Commissioner, Enforcement Ronald Tuminski, Asst. Commissioner, Management & Budget	Federal Evaluation of New Jersey's Coastal Management Program	Deliberative Process	Internal briefing memo on issues raised by federal OCRM
	6/2/1995 Email	Steven Whitney	Ernie Hahn	312 Evaluation	Deliberative Process	Discusses internal process for response to NOAA
	4/26/1995 Memo	Ernest P. Hahn	Asst. Commissioner Cowan	Comments on NOAA Evaluation	Deliberative Process	Proposed response to draft NOAA findings

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	No date Handwritten Notes	DEP Staff	n/a	Chapter 69 Title 7, Beach Preservation Act	Deliberative Process	Personal notes on Delaware laws
	April 1993 Draft Memo	Martin Bierbaum, Administrator Office of Land and Water Planning	Richard J. McManus, Director Office of Legal Affairs	Public Notice - New Jersey Register Federal Approval on Routine Program Implementation Changes to N.J.'s Coastal Management Program	Deliberative Process	Suggests revisions for draft memo
	7/21/1994 Email	JoAnn Cubberley	Steven Whitney	Draft MOA/NJ & DE	Deliberative Process	Duplicative of prior log entry: see above
	7/19/1994 Email	Dorina Frizzera	Ruth Ehinger	DE/NJ Comp	Deliberative Process	Duplicative of prior log entry: see above
	7/18/1994 Email	Ruth Ehinger	Dorina Frizzera	t. fowler - marina	Deliberative Process	Duplicative of prior log entry: see above
	5/26/1994 Handwritten Notes	none	none	MOA	Deliberative Process	Proposed revisions to draft MOA

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	8/11/1994 Email	Dorina Frizzera	Ruth Ehinger	DE/NJ Comp	Deliberative Process	Seeks policy input on potential coordination with Delaware
	1/12/1994 Handwritten notes	NJDEP Staff	none	NJ/DE Management Programs	Deliberative Process	Notes on possible options for coordination with Delaware
	11/05/1993 Email	NJDEP Staff	Steve Whitney	DE/NJ Comparison	Deliberative Process	Proposed revisions to draft MOA
	10/28/1993 Handwritten Notes	NJDEP Staff	none	Draft MOA between NJ Department of Environmental Protection and Energy and Delaware Department of Natural Resources and Environmental Control	Deliberative Process	Proposed revisions to draft MOA

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	8/3/1993 Memo	Terry Fowler	Steve Whitney	DE/NJ Comparison	Deliberative Process	Discusses possible options for coordination with Delaware
	7/2/1993 Letter: Handwritten Notes on Document	Clement Lewsey, Acting Chief, NOAA	State Coastal Program Managers	Final Statement of Purpose Between the Offices of Ocean and Coastal Resources Management and the Office of Wetlands, Oceans and Watersheds	Deliberative Process	Personal views on issues raised in documents
	No Date Handwritten Notes on Document	none	none	MOA NJ DEP Division of Coastal Resources and NJ Pinelands	Deliberative Process	Suggests options for draft MOA with Delaware
	No Date Handwritten	none	none	309 Interstate grants	Deliberative Process	Notes on possible MOA with Delaware
	5/7/1993 Email	Steven Whitney	Ruth Ehinger	Navy Dredging/Salem Nuc.	Deliberative Process	Request for policy input

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	June 7, 1994 email	Judeth Piccinini, DAG	Dorina Frizzera	Delaware boundary	Attorney-Client Privilege and Deliberative Process	Attorney communication to client on boundary
BP Docs						
	No Date Email	David Risilia	Bradley Campbell, Commissioner	Crown Landing LNG Facility	Deliberative Process	Presents issues on which guidance is needed to review application
	6/8/05 and 6/9/05 Email	Rachel Horowitz, Deputy Attorney General	Catherine Tormey, Counselor to the Commissioner	FERC Process	Attorney-Client Privilege	Attorney communication to client re FERC process
	4/20/05 Notes			Discussions with William Anderson, Rachel Horowitz, and "Jenny Bunk," DAGs regarding BP Crown Landing	Attorney-Client Privilege	Client summary of discussion with counsel

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	No Date Email	David Risilia	Catherine Tormey, Counselor to the Commissioner	FEIS process	Deliberative Process	Discusses options for input to FERC from NJ
	8/305 Email	Tim Crowley, Deputy Attorney General	James Guiliano, NJBPU, William Connelly, NJDCA, Gary Sondermeyer, NJDEP, Harold Neil, NJDOT, Lorri Hennon-Bell, NJSP, Cherrie Black, NJLPS, Dennis Quinn, NJLPS, Gene Halplea, NJLPS, Lawrence O'Reilly, NJLPS, Mariellen Dugan, NJLPS, Robert Wall, NJLPS, Thomas Balint, NJLPS	Meeting with Coast Guard Captain of the Port	Attorney-Client Privilege	Attorney communication to clients on homeland security issues
	No Date Email	David Risilia	Lisa Jackson, Joanna Dunn-Samson, Deputy Commr, Joseph Seebode, Asst. Commr, Gary Sondermeyer, Chief of Staff, Catherine Tormey, Counselor to Commr	Summary Issues for BP Crown Landing	Deliberative Process	Summary of outstanding issues for consideration in review

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	6/22/05 Email	Tim Crowley, Deputy Attorney General	James Guiliano, NJBPU, William Connelly, NJCA, Gary Sondermeyer, NJDEP, Harold Neil, NJDOT, Lori Hennon-Bell, NJSP, Bill Brown, NJLPS, Cherrie Black, NJLPS, Dennis Quinn, NJLPS, Gene Haplea, NJLPS, Lawrence O'Reilly, NJLPS, Mariellen Dugan, NJLPS, Robert Wall, NJLPS, Thomas Balint, NJLPS	Update, US Coast Guard Meeting,	Attorney- Client Privilege	Attorney communication to clients on homeland security issues
	2/18/05 Facsimile	Rachel Horowitz, Deputy Attorney General	Suzanne Dietrick, NJDEP	Compact	Attorney- Client Privilege	Attorney communication regarding Compact of 1905
	No Date Email	David Risilia	S. Dietrick	BP Crown Landing	Deliberative Process	Discussion of issues raised by review process

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	7/6/05 Memo	Tim Crowley, Deputy Attorney General	Dennis Quinn, NJ Dept. Of Law & Public Safety	BP Crown Landing and USCG NVIC 5-05	Attorney- Client Privilege	Attorney communication on homeland security issues
Attorney General Opinions						
	Letter, 2/28/2005	William Andersen, Deputy Attorney General and Amy Donlon, Deputy Attorney General	Paul T. Fader, Chief Counsel to Governor	Assertion of Jurisdiction by State of Delaware over NJ Riparian Lands	Attorney- Client Privilege and Work Product	Attorney analysis of jurisdiction within Twelve Mile Circle, 1905 Compact
	Letter, 2/28/2005	William Andersen, Deputy Attorney General and Amy Donlon, Deputy Attorney General	Paul T. Fader, Chief Counsel to Governor	Coastal Zone Act Status Decision, Crown Landing LLC	Attorney- Client Privilege and Work Product	Attorney analysis of options to contest Delaware assertions of jurisdiction

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	Memo, 3/3/2005	William Andersen, Deputy Attorney General, and Amy Donlon, Deputy Attorney General	Catherine Tormey, Counselor to Commissioner	Delaware assertions of jurisdiction and 1905 Compact	Attorney- Client Privilege and Work Product	Attorney communication and analysis
	Memo with attached memo	William Andersen, Deputy Attorney General	Richard Mroz, Counsel to the Governor	Tidelands Application No. 95-0306-T w/attached memo from William Andersen, Deputy Attorney General to Attorney General Farmer	Attorney- Client Privilege	Attorney communication with legal advice on tidelands application
Privileged Pursuant to Confidentiality Agreement - Critical Energy Infrastructure Data						
				Waterway Suitability Assessment for LNG Marine Traffic with appendices A - J.		Confidential under U.S. Coast Guard protocol

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	4/18/05			Map, Waterfront Development Area, Environmental Sensitivity, Sheet B..		Confidential under U.S. Coast Guard protocol
	11/17/03			Surveyed Wetlands, Sheet No. 1		Confidential under U.S. Coast Guard protocol
	July 2004			Draft Environmental Resource Report, Crown Landing LLC, Vol. Ii, Binder IIIA and Volumes IV and IVB.		Confidential under U.S. Coast Guard Protocol