

Jerry C. Shaw
188 Thimble Islands Road
Branford, CT 06405
November 9, 2003

The Office of the General Counsel for Ocean Services
NOAA
U.S. Department of Commerce
1305 East-West Highway
Silver Spring, MD 20910

Re: Islander East Pipeline Appeal

Dear Sir:

On November 5, 2003, I gave a presentation to NOAA staff members at the New Haven Omni Hotel on the problems and potential risks associated with the dispersal of contaminated sediments and their impact on the Browns Reef area of Connecticut's Thimble Islands. This letter is an expansion on that presentation.

In the written copy of that presentation, I make reference to a presentation by Dr. Johan Varekamp of Wesleyan University, given on August 5, 2003 at the Army Corps of Engineers hearing on Islander East's Clean Water Act application. In order to place these proceedings into the record, I have attached them to this communication as Appendix A. This document may also be viewed on the Web at the URL [USACE](#):

Please see pp. 95-97 of the above document, where Dr. Varekamp makes three points that further document my assertion that contaminated sediments present a real risk to the food chain of blackfish in reefs all along the proposed Islander East pipeline path. (1) a contaminant study by Mecray, Buchholtz and Brink that was published in the Journal of Coastal Research and submitted by Islander East in its FERC FEIS, only studied surface contaminants; (2) as these contaminants are dispersed, the finer particles that disperse greater distances, contain the majority of the heavy-metal contamination, thus the predicted dispersal distances characteristic of the bulk of the sediment is not indicative of the far reaches of potential risk to the food chain of the blackfish, and; (3) Dr. Varekamp also cites the frequency at which disrupted sediments release the sources for algal blooms, which can be devastating to shellfish (e.g. blue mussels), which provide a food source for blackfish.

There is a fourth issue associated with dispersed sediments. It is commonly known that tautogs hibernate in cold northern waters when temperatures extend below 5 degrees Celsius. Please consult a reference to this behavior in NOAA Technical Memorandum NMFS-NE-118, "*Tautog (Tautoga onitis) Life History and Habitat Requirements*", Frank W. Steimle and Patricia A. Shaheen, page 25. This reference can be seen on the Web at the URL [NOAA website](#). Unfortunately, hibernation occurs during the winter

construction windows for pipeline and cable installation. Hibernating blackfish will not be able to purge their gills of sediment build-ups, resulting in possible significant mortality.

The installation of the Islander East pipeline through the Thimbles represents an unacceptable environmental risk to a very unique recreational fishery, with a substantial economic impact on Branford's economy. As noted in my previous presentation, the Thimble Islands are a unique haven, and contain marine life that is at risk in other regions of Long Island Sound, thus are deserving of Marine Protected Area designation.

Adding to these concerns are the many substantial delays in Duke/Algonquin's installation of the HubLine pipeline that crosses Massachusetts Bay. Please see recent newspaper articles on this subject in Appendix B. The trench for this pipeline was open for several months because of unanticipated winter weather-related issues, resulting in a \$5 million fine paid to the State of Massachusetts (see Appendix C). There is no reason to believe that such delays will not occur during the installation of Islander East, thereby placing the environment of the Thimble Islands in significant jeopardy. Please see the Massachusetts Marine Fisheries call for documented damages (see Appendix F).

Installation of a pipeline through the Thimble Islands can be avoided. There is a practicable alternative, using existing infrastructure, which, in fact, may cost less than the Islander East preferred route, and, which by FERC's own analysis, would have a significantly less environmental impact. It should be noted that 20 % of Iroquois is owned by KeySpan, one of the co-owners of Islander East, thus there are very few practical business impediments to a joint project between Duke Energy, KeySpan and Iroquois. There are no improvements to Connecticut's natural gas infrastructure to be accrued by the Islander East pipeline. Algonquin's pipeline is already under contract through HubLine to bring Sable Island 20,000 Dth/d of gas transportation services to Southern Connecticut Gas Company, without Islander East (see Appendix D).

There is substantial uncertainty in estimates of Scotian Shelf reserves necessary to feed Maritimes Phase II (see Websites ENCANAs delay of [the Deep Panuke Project](#) , and the [Blue Atlantic project cancellation](#) based on lack of Scotian Shelf natural gas at:) In fact, Islander East, in response to a FERC September, 2001 interrogatory (see Appendix E), suggests that very little of the natural gas planned to be transported through their pipeline will come from such sources (through HubLine), and most will come from current Gulf and western Canadian sources through Connecticut's existing natural gas infrastructure (Iroquois, Tennessee and Algonquin pipelines).

Please deny Islander East's appeal of Connecticut's Coastal Zone Management Program consistency requirements.

Sincerely,

Jerry C Shaw

Appendix A Army Corps of Engineers Islander East Transcript August 5, 2003

VERBATIM PROCEEDINGS

UNITED STATES ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT

ALGONQUIN GAS/ISLANDER EAST PUBLIC HEARING

AUGUST 5, 2003

BRANFORD HIGH SCHOOL
185 EAST MAIN STREET
BRANFORD, CONNECTICUT 06405

POST REPORTING SERVICE
HAMDEN, CT (800) 262-4102

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1 . . . Verbatim Proceedings of Speakers in a
2 Public Hearing before the United States Army Corps of
3 Engineers, in Re: Algonquin Gas/Islander East Public
4 Hearing, held on August 5, 2003 at 7:10 p.m., at the
5 Branford High School, Branford, Connecticut . . .

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9

10 MODERATOR LARRY ROSENBERG: Good evening
11 and welcome to this public hearing regarding the permit
12 application submitted by Algonquin Gas Transmission and
13 Islander East Pipeline on the proposed construction of
14 a compressor station in Connecticut and the construction of
15 a natural gas pipeline from Connecticut to New York. My
16 name is Larry Rosenberg, I'm Chief of Public Affairs for
17 the United States Army Corps of Engineers for New England.

18 I will be your moderator and your facilitator this
19 evening.

20 Our Hearing Officer tonight is Colonel
21 Thomas Koning the Commander and District Engineer of the
22 United States Army Corps of Engineers in New England.
23 Should you need copies of the public notice, the hearing
24 procedures or other pertinent information is available at
the registration table. I should point out that the Corps

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1 of Engineers has made no decision regarding the permit
2 application in question.

3 The agenda for the public hearing is
4 following this introduction Colonel Koning will address
5 the hearing. Then the permit applicant will discuss the
6 permit application. I will then review the Corps of
7 Engineers responsibility to this process and explain the
8 hearing procedures. Following that I will open the floor
9 to public comment utilizing our hearing protocol.

10 Before we begin I'd like to remind you of
11 the importance of filling out the green cards that are
12 available at the door. The cards serve two purposes.
13 First, they let us know that you're interested in this
14 permit so we can keep you informed. Secondly, it provides
15 me a list of those who wish to speak tonight. If you did
16 not complete a card, but wish to speak or receive future
17 information regarding this permit, one will be provided at
18 the registration table.

19 For your convenience an additional
20 stenographer is available near the registration area
21 should you wish to provide comment on the record without
22 the impediment of time restriction rather than making a
23 formal presentation. These statements along with any
24 witness statements received tonight receive equal

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1 consideration with those comments presented.

2 One additional comment, we are here to
3 receive your comments, not enter into any discussion of
4 those comments or to reach any conclusions. Any questions
5 that you have should be directed to the record and not to
6 the individuals on the panel. Thank you. Ladies and
7 gentlemen, Colonel Koning.

8 HEARING OFFICER KONING: Good evening. I'd
9 like to welcome you today to this public hearing on
10 request for a permit from the Algonquin Gas Transmission
11 Company and the Islander East Pipeline Company to complete
12 an upgrade to certain Algonquin facilities and to
13 construct a new interstate natural gas compressor station
14 in Connecticut to construct and operate approximately 49.9
15 linear miles of new 24-inch natural gas pipeline
16 commencing from an existing station here in New Haven and
17 terminating in plain power plants in Brookhaven and
18 Calverton, New York.

19 I'd like to thank you for involving
20 yourself in this environmental due process. Please feel
21 free to bring up any and all topics that you feel need to
22 be addressed on and discussed on the record. I assure you
23 that all of your comments will be addressed during this
24 process. I am Colonel Thomas Koning, Commander and

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1 District Engineer for the New England District of the
2 United States Army Corps of Engineers. Our headquarters
3 is in Concord, Massachusetts.

4 Other Corps of Engineers representatives
5 with me tonight include Bob Assista (phonetic), right here
6 my Chief of Permits in the forestry section for our
7 regulatory office. Cori Rose the Project Manager for this
8 specific permit. Joe MacNamara, out in the audience from
9 our Office of Counsel, and you already met Larry Rosenberg
10 who is facilitating our public hearing.

11 Tonight's hearing is being conducted as
12 part of the Corps of Engineers regulatory program solely
13 to listen to your comments. I would like to briefly
14 review the Corps of Engineers' responsibilities in this
15 process.

16 First, the Corps jurisdiction in this case
17 reside in Section 404 of the Clean Water Act that
18 regulates the discharge of fill material in the waters of
19 the United States to include wetlands. And in Section 10
20 of the Rivers and Harbors Acts, which authorize the Corps
21 to regulate structures and work in navigable waters of the
22 United States.

23 A second detailed regulations that explains
24 our procedures for evaluating permits of this sort and

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1 applications is located in Title 33 of the Code of Federal
2 Regulations parts (indiscernible).

3 And thirdly, the decisions of the Board
4 rest upon several important factors and those factors
5 include in accordance with the Federal Clean Water Act the
6 project must comply with Federal (indiscernible)
7 Guidelines, which are the Federal Environmental
8 Regulations covering the water to wetlands. In accordance
9 with those regulatory statutes and authorities our
10 decision to issue a permit will be based on evaluation of
11 the aqua impact activity on the public interest. Our
12 decision will reflect the National concern for both
13 protection and utilization of our Nation's water
14 resources.

15 The benefits that may reasonably approve
16 from this proposal must be balanced against the reasonably
17 foreseen detriments. In accordance with the National
18 Environment Policy Act any project that significantly
19 impacts the environment must have an environmental impact
20 statement. In this case, the Federal Energy Regulatory
21 Commission, known as FERC, is the leading Federal agency
22 for that environmental impact statement.

23 All factors which may be relevant to the
24 proposal will be considered prior to our making a decision

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1 to approve or deny the permit. And those factors include,
2 but are not limited to, conservation, economics,
3 esthetics, impacts to the environment, fish and wildlife
4 values, navigation, recreation, water supply, food
5 production and in general the need and welfare of the
6 people of Connecticut and of the people of the United
7 States.

8 Lastly, Federal law requires the Corps can
9 only issue permit to the least environmentally damaging
10 practicable alternative. The Corps must evaluate
11 alternatives to avoid or minimize impacts on water and
12 wetlands of the United States. There are two basic parts
13 of the final selection process. First, an analysis is
14 conducted to -- of all the available alternatives to
15 determine practicability. Second, the final alternative
16 must be the least environmentally damaging.

17 In determining practicability the Corps
18 considers factors such as cost, safety, technical
19 feasibility and community impacts. If these types of
20 impacts are severe the Corps may rule out alternatives
21 even if they are less environmentally damaging. However,
22 once a pool of practical alternatives are determined the
23 Corps can then only permit the least environmentally
24 damaging alternative on the waters and wetlands of the

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1 United States.

2 In accordance with the President's policy
3 of cost to wetlands we strive to mitigate for unavoidable
4 impacts. Subsequent to any determination of the least
5 environmentally damaging practical alternative the Corps
6 conducts a broad policy based review. This hearing is
7 part of that review. All facets effecting the public will
8 be included in our evaluation and that's what your
9 comments tonight will help us reach the appropriate
10 decision.

11 A record of this hearing will remain open
12 and written comments may be submitted tonight, or by mail,
13 until August 15th, 2003 and all comments will receive equal
14 consideration with anything that is said here this
15 evening. And again, as Larry mentioned, to date no
16 decision has been made by the Corps of Engineers in regard
17 to this permit. It is my responsibility to evaluate both
18 the environmental and socioeconomical impacts prior to
19 making a decision. In order to accomplish that, that's
20 why we're asking for your input.

21 You are critical to this process, that your
22 voice be heard, and I think you for taking your time to be
23 here tonight to be a part of the process.

24 MODERATOR ROSENBERG: Thank you sir.

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1 Ladies and gentlemen, if you need to take your jackets
2 off, please, it's kind of warm. We'll call that the Tom
3 Koning diet plan. Ladies and gentlemen, representing the
4 Applicant, Mr. Joe Reinemann.

5 MR. JOE REINEMANN: Good evening. My name
6 is Joe Reinemann and I'm the Environmental Project Manager
7 for Islander East Pipeline Company. I'm here tonight to
8 present the project overview before we hear public
9 comment.

10 As a lot of you are aware the Islander East
11 Pipeline Project involves the transportation of 260,000
12 dekatherms of natural gas per day via a second separate
13 pipeline to Long Island. The Islander East project will
14 provide a new competitive clean burning supply of fuel and
15 ensure greater volume flexibility to the energy
16 infrastructure of the northeast.

17 The project's facilities constitute
18 approximately 50 miles of 24-inch interstate natural gas
19 pipeline, buried steel pipeline. That includes about 10.2
20 miles of piped new construction on land in Connecticut.
21 Approximately 11 miles of offshore pipe in Connecticut
22 waters of Long Island Sound. Approximately 11.6 miles of
23 offshore pipe in the State waters of New York and Long
24 Island Sound and 17 miles of underground pipe on land on

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1 Long Island.

2 Additionally, there is one compressor
3 station proposed for the project in Cheshire, Connecticut.

4 The map behind me gives you a feeling of the geographic
5 context of the project from the compressor station site in
6 Cheshire, Connecticut and then the new construction along
7 Connecticut beginning in North Haven proceeding along
8 existing Algonquin pipelines there, to the point where it
9 joins the existing Tilcon or Branford Steam Railroad in
10 North Branford.

11 A little project background. Islander East
12 applied to the Federal Energy Regulatory Commission, or
13 FERC, in June 2001. FERC issues a preliminary
14 determination, which is a confirmation of need in December
15 2001. FERC then issued a certificate for the project in
16 September 2002. In January and February 2003 the New York
17 -- State of New York issued coastal zone management
18 consistency and Section 401 water quality certificates for
19 the project respectively. We're currently working for an
20 in-service date for the project in November 2004.

21 I wanted to touch on some changes to the
22 project from the application that we filed with FERC to
23 the project that was finally certificated by FERC. I'm
24 going to run through briefly just three variation, two of

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1 them are in Connecticut, one of them is in Long Island.
2 The first route variation is referred to as the
3 Marshalling Yard Variation. To get you oriented, this is
4 Pleasant Point -- Pleasant Point and Tilcon Branford Steam
5 Railroad has a multi-track Marshalling Yard staging area.

6 The original proposal had pipeline coming down the east
7 side of the tracks, as you see there, and then crossing
8 Pleasant Point Road at that point and then cutting back
9 over to the other side of the tracks.

10 The project has been modified to include a
11 cross over north of that Marshalling Yard area and then
12 parallel to the Marshalling Yard to the west side of the
13 track. The effect of that cross over is that it
14 eliminates about 1,000 feet of forested wetland crossing
15 and decreases the project wetland impacts by about three
16 acres.

17 The second route variation that I want to
18 run through in Connecticut is referred to as the Goss Pond
19 Variation. To get you oriented again, this is the Amtrak
20 Railroad right up there, and obviously Juniper Point right
21 there. At this point the pipeline is proposed to parallel
22 the Branford Steam Railroad on the west side of the tracks
23 and then deviate from that location at this point. The
24 purpose of that is to avoid a small pond. The variation

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1 involves not deviating, staying close to the railroad and
2 crossing the pond, the pipe would be installed beneath the
3 pond. The effect of that is it decreases the impact on
4 the Branford Land Trust and the slopes in that area.

5 Very briefly, there's one route change in
6 New York and that's for a lateral facility, which is
7 referred to as the Calverton Lateral. We originally filed
8 that parallel to State Route 25A. We also evaluated an
9 alternative for that along State Route 25. During the
10 environmental review process Federal Energy Regulatory
11 Commission determined that Route 25 alternative was
12 preferable to the route that we proposed.

13 I'm going to now just briefly talk about
14 the offshore construction map that we are proposing. Both
15 the Connecticut landfall and the New York Long Island
16 landfall would be installed using horizontal directional
17 drilling. Conventional dredge construction would be used
18 from the HTB exit point offshore to a depth of 20 feet.
19 From 20 feet and deeper Islander East is proposing to use
20 a subsea plow installation.

21 Islander East has also made modifications
22 to the offshore construction measures originally proposed
23 based on feedback received from State agencies. The
24 modifications, I'm going to start first pertain to this

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1 project area offshore in waters less than 20 feet. The
2 goal of those modifications were to reduce sedimentation,
3 sediment dispersion and minimize impacts to the benthic
4 environment and to protect water quality. The
5 modification involves limiting sidecasting spoil from the
6 HDD exit area and the dredge section. The effect of that
7 modification is two-fold. First, it eliminates the direct
8 impact from the footprint of the spoil adjacent to the
9 trench decreasing the actual project area disturbed.
10 Secondly, it prevents the spoil from being subject to wave
11 erosion and deposition on the adjacent seafloor and
12 shellfish bed. The effect of that modification is a 90
13 percent decrease in footprint impact for the Connecticut
14 near shore area.

15 As we developed these modified methods
16 Islander East conducted sediment modeling to evaluate the
17 various scenarios that we're trying now. It confirms that
18 we're getting the results that we want. In doing that we
19 used a sediment model developed by the Corps of Engineers
20 and the net result of that modeling when we looked at the
21 modified methods shows that based on the modeling the
22 sedimentation will be minimal and would approach
23 background levels.

24 The other construction modifications that

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1 we put forward pertains to part of the project offshore,
2 which is 20 feet deep -- 20 feet or deeper water. Again,
3 that's the subsea plow section. After looking at the
4 results of the data collection and talking with
5 contractors we determined we would be able to eliminate
6 one of four installation passes, decreasing the impact of
7 the deeper installation by about 20 percent.

8 In addition to the construction
9 (indiscernible) develop mitigation measures to protect
10 other resources. Specifically, Islander East arranged for
11 pre-construction harvesting of all these shellfish beds by
12 the leaseholders prior to construction. We have also
13 arranged for post-construction reseedling of those
14 shellfish beds to hasten the restoration after the pipe is
15 installed. Additionally, we have developed a program to
16 relocate lobstermen's gear using licensed lobstermen to do
17 that and we've establish a gear compensation fund for any
18 lobstering gear that's lost or damaged as a result of
19 construction. And then finally we'll be coordinating all
20 of our construction with the United States Coast Guard.

21 As we developed the project we've also
22 heard concerns about certain issues and I just want to
23 speak very briefly about some of those. Industrial
24 corridor along the pipeline route. In actuality, the

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1 pipeline is going to be buried after it's installed and
2 the right of way is going to be restored. The pipeline
3 will parallel an existing Algonquin pipeline and a
4 railroad.

5 Degradation of open space in Branford. In
6 fact, the trail access of one point will be temporarily
7 disturbed during construction and the Branford Land Trust
8 properties we have developed site specific construction
9 restoration packages for each of those parcels.

10 Additionally, permanent offshore impact.
11 Well, construction will result in a temporary impact and
12 will not destroy permanently the sea floor. We've heard
13 about contaminated sediments and in fact Islander East has
14 conducted site-specific sediment analysis submitted that
15 to laboratories which confirmed that no contaminants
16 exceed regulatory threshold levels.

17 Impact to shellfishing. The project has
18 been planned, both in the construction of timing and/or
19 restoration standpoint to minimize impact to shellfishing
20 resources. And lastly, safety. The pipeline is the
21 safest mode of energy transportation available.

22 The project does have benefits. Islander
23 East will provide additional capacity and reliability to
24 Connecticut's gas companies. Islander East will make

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1 additional gas available for use in Connecticut power
2 plants and will enhance the reliability and security of
3 the regional gas supply system. Islander East will also
4 make exporting electricity from Long Island to southwest
5 Connecticut feasible. Natural gas-fired generation will
6 result in cleaner air for us in Connecticut and Long
7 Island. And lastly, Islander East will bring \$46,000,000
8 to the local Connecticut economy and create 300 jobs
9 during construction and provide ongoing tax revenues
10 during operation.

11 In summary, FERC has determined the need,
12 evaluated alternatives and certified the route. They have
13 concluded that the project is environmentally acceptable
14 as conditioned and Islander East has since then decreased,
15 in fact, we've modified the methods I've just described.
16 Thank you.

17 MODERATOR ROSENBERG: Thank you. Ladies
18 and gentlemen, I would ask that there be no applause
19 during this hearing? Ladies and gentlemen, it is crucial
20 for this public process that your voice is heard and we're
21 here to listen. We'll listen to your comments, understand
22 your concerns and provide you an opportunity to put your
23 thoughts on the record should you care to do so. The
24 hearing conducted will be conducted in a manner that all

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1 who desire to express their views will be given an
2 opportunity to do so. To preserve the right of all to
3 express their views I ask that there be no interruption.

4 Furthermore, in order to make any decisions
5 regarding this permit application, we, the United States
6 Army Corps of Engineers, need to have you involve yourself
7 in this environmental permit review, not just tonight, but
8 throughout the entire process. When you came in copies of
9 the public notice and the procedures to be followed at
10 this hearing were available. If you did not receive these
11 those are available at the registration desk. I will not
12 read either the procedures or the public notice, but they
13 will be entered into the record.

14 A transcript of this hearing is being
15 prepared and the record will remain open and written
16 comments may be submitted tonight or by mail until August
17 15th, 2003. All comments will receive full consideration.
18 Anyone who cannot attend, but wishes to send to written
19 comments should forward those comments to our headquarters
20 in Concord, Massachusetts.

21 Lastly, I'd like to reemphasize that the
22 Corps of Engineers has made no decision regarding this
23 permit. It is our responsibility to fully evaluate the
24 Algonquin Gas Transmission and Islander East Pipeline

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1 proposed activity and it's impact prior to our decision.
2 And in order to accomplish that we need your input.
3 Again, we are here to receive your comments and not to
4 enter into discussion of those comments or reach any
5 conclusion. Any questions you have should be directed to
6 the record and not to the individuals on the panel.

7 Colonel Koning, if there's no objection I
8 will now dispense with the reading of the public notice of
9 this hearing and have it entered into record. Thank you
10 sir.

11 A transcript of this hearing is being made
12 to assure details of people's comments. A copy of this
13 transcript will be available at our Concord, Massachusetts
14 headquarters, on our web site for your use, or you may
15 make arrangements with the stenographer for a copy at your
16 own expense. Individuals speaking today will be called to
17 the microphone in the order they signed in and as provided
18 for by our hearing protocol that was distributed and
19 posted in the reception area.

20 When making a statement please come forward
21 to one of the microphones on either side, state your name
22 and the interest you represent. As there are many who
23 wish to provide comments, all with the exception of those
24 represented, U.S. Senators or U.S. Representatives in the

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1 House of Congress will receive two minutes to speak, no
2 more.

3 The traffic signal in front of you will
4 indicate the following. The green light will come on as
5 soon as you introduce yourself and will indicate that two
6 minutes are remaining. The amber light indicates one
7 minute left and the red light of course means that your
8 time has expired. Please identify if you're speaking for
9 or representing a position of an organization. If you're
10 speaking for yourself, say so. And I propose getting all
11 who wish to speak will have the opportunity to do so.
12 Should we run out of time this evening, as there are many
13 that have signed up, those who have signed up will be
14 contacted individually by the Army Corps of Engineers in
15 the very near future and future arrangements will be made
16 to provide you access to an additional hearing.

17 Once again, we have an additional
18 stenographer located outside of the hearing room should
19 you wish to dictate your individual statement for the
20 record. There are no time limits on that -- on those
21 statements. We will now begin to receive your comments
22 according to the hearing protocol. Again, oral or written
23 statements receive equal consideration in making our
24 decision. If you have a written statement, summarize it

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1 to fit the two-minute limitation and enter the entire
2 statement for the record.

3 The first individual will be Allison Dodge
4 who is representing U.S. Representative Rosa DeLauro.

5 MS. ALLISON DODGE: Good evening. My name
6 is Allison Dodge. I'm with Congresswoman Rosa DeLauro's
7 office and I'm here to submit comment on behalf of the
8 Congresswoman regarding the Islander East proposal.

9 MS. ROSA DeLAURO: "Good evening. First
10 let me thank the U.S. Army Corps of Engineers for
11 providing this opportunity to voice our concerns with the
12 proposed natural gas pipeline presented by the Islander
13 East Pipeline Company. The many residents and concerned
14 citizens you will hear from this evening have invested
15 countless hours in research and review of this proposal.
16 Their concerns must be addressed by the Federal and State
17 regulatory agencies who will determine whether this
18 pipeline is allowed to be constructed as it is currently
19 proposed.

20 Simply stated, I am opposed to the
21 construction and installation of the Islander East
22 pipeline. In the two years since the company first
23 submitted their proposal, I have become increasingly
24 concerned about the route through which they plan to run

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1 the pipeline. Not only does this proposal have negative
2 impacts on the communities through which it will be
3 buried, but I believe it will have grave impacts on the
4 delicate ecosystem of the Long Island Sound.

5 Since the inception of the Clean Water Act
6 in 1972, investments in water pollution control programs
7 have led to great improvements in the water quality of
8 Long Island Sound. Ten percent of our country's
9 population lives within 50 miles of the Sound. A healthy
10 Sound is critical to our economy and our quality of life.

11 When we look at the continuing impact of the cross-Sound
12 pipeline that already exists, we as a community and a
13 State, are weary of any additional harm that may come with
14 the installation of another pipeline.

15 Connecticut's shoreline communities and the
16 Long Island Sound, particularly the Thimble Islands and
17 associated shellfisheries in this area, represent an
18 enormous cultural, historical and economic value to our
19 State. The drilling and trenching activities associated
20 with the proposed pipeline will endanger the local
21 environment and the Sound as a whole.

22 The State of Connecticut has and continues
23 to work hard to ensure that we have an adequate, reliable
24 energy supply. While I understand and appreciate the

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1 benefits to additional energy resources, I cannot support
2 a proposal that will have such negative impacts on our
3 communities and provides no benefit to our State.
4 Solutions to our neighbor's energy needs cannot be made at
5 the expense of the State of Connecticut and the Long
6 Island Sound.

7 The U.S. Army Corps of Engineers, as a
8 Federal regulatory body, has a responsibility to ensure
9 that projects such as these are routed and constructed in
10 a way that will cause the least environmental damage.
11 With the implication of such drastic impacts to our
12 environment, I must believe that there is an
13 environmentally preferable option. I would urge the Corps
14 to be vigilant and thorough in their review of this
15 proposal. I believe that you will find that you must deny
16 the applicant's request for further regulatory permits.

17 Thank you for your time and consideration
18 of my comments."

19 MODERATOR ROSENBERG: Thank you. The next
20 speaker will be Scott Jackson, representing Senator Joe
21 Lieberman.

22 MR. SCOTT JACKSON: Good evening. I am
23 Scott Jackson, Deputy State Director for Senator Joe
24 Lieberman and I'm here to share a letter co-signed by

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1 Senator Christopher Dodd, Congresswoman Rosa DeLauro and
2 Senator Lieberman. It is addressed to Colonel Koning.

3 "We are writing today in regards to the
4 Islander East Pipeline project, which proposes the
5 construction and installation of a 24-inch diameter
6 natural gas pipeline from Cheshire, Connecticut through
7 five communities and across the Long Island Sound to
8 Brookhaven and Calverton, New York. Islander East, LLC
9 will be required to obtain a permit from the U.S. Army
10 Corps of Engineers in order to move forward with
11 construction.

12 As you may be aware, serious concerns have
13 been raised about the significant environmental impacts
14 this project will have on the Connecticut shoreline
15 communities and the Long Island Sound. After thorough
16 review, the Connecticut Department of Environmental
17 Protection, DEP, again determined that the project was not
18 consistent with the State's Federally approved Coastal
19 Zone Management Program, CZMP. The DEP found that even
20 with the company's proposed changes to their installation
21 that the construction and installation of this pipeline
22 would have negative impacts on water quality, shellfish
23 habitat, water-dependent use and tidal wetlands.

24 The Connecticut's CZMP was designed to

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1 balance national energy interests with the protection of
2 Connecticut's environment. The Islander East proposal
3 simply does not meet the basic standards, which have been
4 set to facilitate this balance. In addition to the DEP's
5 objections the Islander East project has also been
6 reviewed by several Federal agencies in accordance with
7 the National Environmental Policy Act and Clean Air. To
8 date both the United States Environmental Protection
9 Agency and the United States Fish and Wildlife Service
10 have expressed numerous concerns with the proposed
11 project.

12 The proposed drilling and dredging
13 activities associated with the pipeline threaten
14 irreparable harm to the ecology of the Long Island Sound
15 and our shoreline communities, which represent enormous
16 cultural and historical significance to our State. While
17 Islander East has proposed a number of mitigation efforts
18 we do not believe that they will sufficiently protect the
19 Long Island Sound and the surrounding communities from the
20 potential damage caused by the Islander East pipeline.

21 Ten years ago Iroquois Gas installed a
22 natural gas pipeline across the Sound and as a result we
23 have yet to see the full restoration of the Sound bottom.
24 The negative impacts on the Sound's delicate ecosystem

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1 have translated into economic impacts for our shell and
2 fin fishermen. When we look at the continuing impacts of
3 the Cross Sound natural gas pipeline that already exists
4 we are very wary of any additional harm that may come with
5 the installation of another pipeline.

6 The U.S. Army Corps of Engineers, as a
7 Federal regulatory body, has a responsibility to ensure
8 that projects such as these are routed and constructed in
9 a way that will cause the least environmental damage. We
10 trust that the Corps will be vigilant and thorough in
11 their review of this proposal and strongly urge you to
12 deny the Applicant's request for further regulatory
13 permits.

14 We appreciate your consideration in this
15 matter and we look forward to a response. Sincerely
16 Christopher J. Dodd, U.S. Senator; Joseph I. Lieberman,
17 U.S. Senator; Rosa DeLauro, Member of Congress."

18 MODERATOR ROSENBERG: Thank you sir. Our
19 next speaker, Michelle Gilman, representing Senator
20 Christopher Dodd.

21 MS. MICHELLE GILMAN: Thank you and good
22 evening. I'm Michelle Gilman and I'm representing Senator
23 Christopher Dodd. Thank you very much for permitting me
24 to speak. My remarks will be brief.

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1 "I wanted to thank the Army Corps of
2 Engineers for holding this important hearing.
3 Unfortunately, my schedule does not permit me to be with
4 you in person. However, I want to convey my opposition to
5 the Islander East pipeline.

6 For several years I have received numerous
7 letters, telephone calls and emails from constituents
8 describing their concerns regarding the Islander East
9 proposal. Many citizens have asserted that the drilling
10 and dredging activities associated with the proposed
11 pipeline will be destructive to the local environment and
12 will harm the waters and fisheries of Long Island Sound.
13 I wholeheartedly concur and over the past two years have
14 joined with members of our Congressional delegation in
15 writing to various Federal agencies urging a halt to this
16 ill-advised proposal.

17 Long Island Sound is a jewel in our region
18 and we have made significant strides in its restoration.
19 Through the cooperative effort of concerned individuals,
20 organizations, and the State of Connecticut, the ongoing
21 cleanup of Long Island Sound is one of the most successful
22 efforts under the National Estuary program. To go forward
23 with the pipeline at this time would do irreparable harm
24 to Long Island Sound and the region's economy. Further,

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1 the natural gas pipeline will not solve any pressing
2 energy needs in Connecticut.

3 Simply put, the proposal does not meet the
4 basic standards of the Coastal Zone Management Program,
5 which is designed to balance National energy interests
6 with the protection of Connecticut's environment.
7 Decisions we make today will have an impact on the quality
8 of our air, water and land for years to come.

9 Just last week, the Connecticut Department
10 of Environmental Protection rejected the Islander East
11 pipeline proposal for a second time. I thank our DEP for
12 its diligent evaluation as the company's modified plans
13 would still cause significant harm to the waters of Long
14 Island Sound. Finally, I especially want to thank those
15 Connecticut residents who have given their time and
16 commitment to keep this issue in the spotlight.

17 I urge the Army Corps of Engineers to
18 oppose the Islander East natural gas pipeline proposal.
19 Thank you."

20 MODERATOR ROSENBERG: Thank you very much.
21 The next speaker is Robert Fox who will read a statement
22 from Congressman Christopher Shays.

23 MR. ROBERT FOX: My name is Robert Fox and
24 I live at 15 Long Point Road in Stony Creek and I'm

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1 privileged to read this statement from the Honorable
2 Christopher Shays, who is a U.S. Congressman for the 4th
3 District of Connecticut. The letter is addressed to Ms.
4 Cori Rose, Regulatory Commission, Army Corps of Engineers.

5 "Dear Ms. Rose. I am writing to express my
6 opposition to the Islander East Pipeline Company's request
7 for a permit for a natural gas pipeline across Long Island
8 Sound. While natural gas may lead to better air quality,
9 the scale of disruption that will occur if this proposal
10 goes forward makes the Islander East proposal untenable.

11 In many ways, Long Island Sound has come a
12 long way in the last decades, but as recent events,
13 including the still-unexplained lobster die-off, have
14 compelled us to remember, the Sound's health is extremely
15 precarious.

16 The concerns raised about this proposed
17 project by the Environmental Protection Agency and Fish
18 and Wildlife Service have not been adequately addressed.
19 And the finding of the Connecticut Department of
20 Environmental Protection that this is inconsistent with
21 the Coastal Zone Management Program, surely the
22 understatement of the year when describing a 23-mile scar
23 across the heart of the Sound must not be ignored.

24 We've learned from the installation of

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1 Iroquois' existing pipeline in 1991 that damage to the
2 Sound is both cumulative and permanent. The Sound cannot
3 afford that kind of damage. We simply will not have a
4 world to live in if we continue our neglectful ways.

5 While it is important we have sufficient
6 power to meet increasing demands for electricity, our
7 paramount concern has to be protecting the irreplaceable
8 and fragile Long Island Sound ecosystem.

9 Sincerely, Christopher Shays."

10 MODERATOR ROSENBERG: Thank you sir.
11 (begins speaking before tape) two minute limitation and a
12 reminder that there is a stenographer available in the
13 rear out by the registration area and you may proceed to
14 give statement without the impediment of time
15 restrictions. The next speaker will be Senator G.L.
16 Gunther -- State Senator G.L. Gunther. Followed by State
17 Senator Bill Aniscovich.

18 SENATOR GEORGE GUNTHER: May I sit here
19 rather than stand? The reason I say that, I'm a little
20 bit handicapped, not really, but -- can I give a little
21 bit of my background without cutting into my two minutes?
22 I think I've earned a little bit of that.

23 Well, my whole life has been on Long Island
24 Sound since I was 10 months old. My father was a

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1 (indiscernible) who had a family (indiscernible) and that
2 type of thing. I go back 37 years as a State Senator. I
3 authored the Tidal Wetlands Law in 1969. I co-authored --

4 MODERATOR ROSENBERG: Hold the applause.

5 SENATOR GUNTHER: -- don't take the time
6 off of me. Anyway, I co-authored the Inland Wetlands Law.
7 I have done the major law changes that related to
8 fisheries, shell fisheries, that type of thing over these
9 37 years. I've had 30 years in the Atlantic States Marine
10 Fisheries Commission, which I think qualifies me to be a
11 little bit more than just another person around here
12 giving you hell.

13 I am thoroughly concerned that the process
14 here as far as the hearing tonight. I've been through this
15 process. But I'd like to take -- I have some long letters
16 between the Siting Council, the U.S. Corps of Engineers,
17 FERC -- you name it and I've got it. I've gotten more
18 letters and I wish you'd take them and get them in one
19 spot and then give me the numbers of the replies I've
20 gotten over those letters.

21 I tell you, I have no idea if it was ever
22 recorded as sending a statement in and you have to make an
23 exception with Ms. Cori. She at least called me up and
24 told me they got my letter. But I got a hell of a lot of

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1 correspondence in all of these areas.

2 And for the past three years I have covered
3 practically every one of the attempts to take the gas
4 pipes and cables whether it's been Islander East or the
5 Cross Sound Cable and even Northeast Utilities down in
6 Norwalk. There's a tremendous amount of background we
7 have in this whole area that has never -- I don't know
8 that it's ever been put on the deck by the people who
9 participated, because I haven't been in on those meetings.

10 We don't have the time as Legislators to be constantly at
11 every hearing that goes on in the State. And I can tell
12 you we've put an awful lot of time in on this crossings
13 that you have here now.

14 Long Island Sound is classified as one of
15 the three major bays of the United States, of national
16 significance. It's a glacial lake that opened up and all
17 of us, any of us that have been involved for any period of
18 time will tell you, you ain't going to nothing out there
19 where you tear up the bottom of that harbor and put it
20 back the way it was before. All I can tell you, there is
21 tons of documentation -- in fact, the past year and a half
22 we've had a study going on in the last year, a task force,
23 and we've developed 28 maps on plot planning the entire
24 State of Connecticut and Long Island Sound. I daresay

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1 that your Commission, nor the other Commissions, nor the
2 Siting Council has considered all that material.

3 I say that's something -- that if you did
4 nothing else but sat down at this point and review it, I
5 have a statement that I put in, I've augmented that
6 statement with a couple of exhibits to give you a piece of
7 what we have out there that ought to be included in this
8 whole process.

9 I think that we -- so you don't shut me off
10 at some point, I see that red light, and jeez I get a
11 little sick of seeing the red lights on the highway
12 without coming to a meeting and getting it. Alright?

13 All I can tell you is there is a lot of
14 material that I'd like to take and sit down, not in this
15 type of forum. I think that us Legislators put enough
16 time into this and work our little butts off in order to
17 get in here should at least get the courtesy of coming in
18 and sitting down, man to man. I don't tell you to have
19 300 people in a hall, I think you can be selective about
20 it.

21 I can give you four names of people who I'd
22 like to have sit down and dialogue with you on a technical
23 basis. People like John Rowland, he was involved in this
24 State, but we had people like Ralph Lewis, our State

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1 Geologist. Incidentally, the State Geologist, I was
2 shocked back two years ago, nobody ever told the man to
3 give testimony. Now he's -- both these guys are retired
4 now, so they don't worry about -- even worry about the
5 monkey on their back working for the State, okay?

6 The third guy I'd like to see, Harry
7 Beckworth (phonetic), who was the head of -- who was the
8 head of Fisheries for years. And they're saying -- now
9 retired-- but a real dialogue. So I say -- and I know
10 that red light's been on --

11 MODERATOR ROSENBERG: There are over 100
12 people who wish to speak tonight.

13 SENATOR GUNTHER: I know, but I --

14 MODERATOR ROSENBERG: -- and we appreciate
15 it, so please tie it up. We'll follow up. The next
16 speaker is will be --

17 SENATOR GUNTHER: -- may I please -- three
18 things and I'll make it real pretty for you. Everybody's
19 talking about, is there an alternative, and they say, no.
20 I'll tell you there's an alternative that will not go
21 across Long Island Sound that you didn't have in your maps
22 when you had your public hearings, because I was at the
23 hearings.

24 There's a corridor that's been established.

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1 The FLAG-Telecon corridor that goes all the way from
2 Northport to Montauk Point and you have just -- the FERC
3 has just approved the East Chester plot of Iroquois, which
4 gives you a 24-inch gas line going all the way into the
5 Bronx. That's a corridor that goes from the Bronx to
6 Montauk Point, which nobody has ever taken and considered.

7 I brought this to the FERC. Now --

8 MODERATOR ROSENBERG: Senator. Senator.
9 I'm sorry, we really must hear the public's comments also.

10 I thank you very much and our next speaker is State
11 Senator Bill Aniscovich.

12 SENATOR BILL ANISCOVICH: Thank you. I
13 want to thank Senator Gunther, especially for his
14 leadership on this issue, even if he is a bit longwinded,
15 but we love him, and my other colleagues for being with us
16 here tonight.

17 My name is Bill Aniscovich, and I'm a State
18 Senator from the 12th District. My district includes the
19 towns of East Haven, Branford, Guilford, North Branford
20 and Madison. I served in the General Assembly for 13
21 years and I've lived my entire life in the town of
22 Branford and I'm here not only as the State Senator from
23 Branford, but also as a resident of a neighborhood that
24 will be directly impacted by this proposal.

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1 I'm here tonight to state for the record my
2 complete and unequivocal opposition to your granting a
3 permit to the proposal by Islander East to build a new 24-
4 inch diameter pipeline from an existing gas transmission
5 facility in North Haven through the towns of North Haven,
6 East Haven, North Branford and Branford.

7 In addition to the obvious environmental
8 impacts that would be caused by the completion of the
9 proposed project, there are at least three important
10 reasons to deny approval to this permit application.

11 First, Islander East has failed to do a
12 complete analysis of alternative routes available for
13 placement of a pipeline. They have indeed, as the
14 correspondence in your possession right now proves, have
15 resisted the effort to do a complete analysis. And an
16 alternative corridor does exist as Senator Gunther pointed
17 out, in New York that would accommodate the place of this
18 pipeline, yet is not even being considered.

19 Second, this proposal will have undeniably
20 negative impacts on one of the most environmentally
21 sensitive areas of Long Island Sound. In Branford alone,
22 the proposed pipeline path cuts through three Land Trust
23 properties and indirectly impacts other conservation
24 wetlands and uplands.

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1 Third, the undeniable truth is that there
2 exist other routes by which to move energy through and to
3 Long Island. The environmental destruction and ecological
4 disruption that will result from this project is
5 completely unnecessary. We can find a better way to
6 provide energy to Long Island and to our region if it's
7 necessary and it is our collective duty to do so.

8 When you consider this permit application
9 please consider the clear public policy value that the
10 Connecticut Legislature and the people of Connecticut have
11 placed on our environmental assets. And we ask you when
12 deciding whether to grant this permit application to
13 choose to respect the choices that we have made
14 collectively as a community to respect our environmental
15 assets, not to respect those choices made by a company
16 that seeks to profit from the exploitation of our
17 environment.

18 Thank you for considering our point.

19 MODERATOR ROSENBERG: Ladies and gentlemen,
20 I asked everybody to follow our official -- and that is to
21 be polite. Please do not interrupt, no applause. We have
22 a lot of people who want to be heard and they're all
23 getting tired of waiting.

24 Our next speaker will be State

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1 Representative Richard Roy, who will be followed by State
2 Representative Larry Miller.

3 REPRESENTATIVE RICHARD ROY: Thank you.
4 State Representative Richard Roy, 23 Howe Street in
5 Milford. My town knows what it's like to have a pipeline
6 go through. 10 years ago the Iroquois line went through,
7 we still have barren shellfish beds there. Please do not
8 send this one and put a barren shellfish bed on the east
9 side of New Haven Harbor.

10 Rather than go through some alternatives,
11 I'll give you that in writing, what I would like you to
12 consider is a zoning map for Long Island Sound.
13 Everything we do shoreward is guided by a zoning map of
14 the communities. What is a good use for this land? What
15 is a good use for this? Taking all of the entities,
16 putting pressure on Long Island Sound, we can develop the
17 zoning map for Long Island Sound that will allow us to
18 make the best use and protect our future, the future of
19 Long Island Sound.

20 Please consider that. Bring it around and
21 then we can move forward with a number of projects,
22 especially those that are beneficial to Connecticut and
23 Long Island Sound. Thank you.

24 MODERATOR ROSENBERG: Thank you sir. The

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1 next speaker is State Representative Larry Miller, who
2 will be followed by Representative Pat Widlitz.

3 REPRESENTATIVE LARRY MILLER: Good evening.

4 My name is Larry Miller, I'm State Representative for the
5 town of Stratford, which is a shoreline community. And
6 I'm here to speak not for the State of Connecticut, but I
7 know that 3.4 million people, residents of the State are
8 opposed to any destruction of Long Island Sound's
9 ecosystem.

10 That's what the Islander East project will
11 do. Just look at the 10-year-old Iroquois pipeline,
12 nothing has grown in that area of the pipeline. The same
13 thing will happen to the floor of the Sound where the
14 Islander East path is proposed. New York has not built a
15 power generator facility in 10 years and now is using
16 Connecticut's Long Island Sound as a free pathway to get
17 power to Long Island.

18 Long Island has rejected all proposals to
19 install generators on the Island. Long Island has even
20 sued the State of New York for proposing even a temporary
21 44 megawatt diesel portable generator in that area. Make
22 no mistake, power will be for Long Island and New York
23 City, not Connecticut.

24 I would ask that the Corps reject this

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1 proposal and look at the impact of the Iroquois Pipeline,
2 which has damaged the ecosystem in that particular area.
3 Long Island Sound is too valuable a resource. Connecticut
4 uses Long Island Sound for fishing, swimming, boating,
5 sunbathing and a host of other activities and is one of
6 the most significant assets of our State. We should not
7 be the doormat for the State of New York and I would hope
8 that you do reject this.

9 And I just want to say that we have three
10 gambling casinos -- two gambling casinos in Connecticut,
11 the Mohegan Sun and Foxwoods. Long Island Sound is now a
12 place where millions of dollars are being spent to keep
13 the oystermen and the lobstermen from saying anything
14 negative about this particular pipeline. And I hope you
15 reject it.

16 MODERATOR ROSENBERG: Thank you sir. Next
17 speak Representative Pat Widlitz who will be followed by
18 Representative Peter Panaroni.

19 REPRESENTATIVE PAT WIDLITZ: Thank you and
20 good evening. My name is Pat Widlitz. I am the
21 Connecticut State Representative for the 98th District,
22 through which the proposed project is planned. And also
23 as Co-Chair of the Connecticut General Assembly's
24 Environment Committee I'm here tonight in total agreement

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1 with and support of the Connecticut Attorney General, the
2 Connecticut Department of Environmental Protection and the
3 people of Branford in oppositions to Islander East's
4 application.

5 While the Islander East project threatens
6 to negatively impact open space, highland wetlands, 18
7 water bodies and Long Island Sound, a special concern is
8 the impact on the magnificent Thimble Islands, which are
9 not only a tourism magnet, but also support diverse
10 habitats for waterfowl, birds and even seals. Within the
11 path of the project are commercial and recreational
12 shellfish beds. Connecticut has already, as we've heard,
13 experienced the degradation of oyster beds from the
14 Iroquois Pipeline in 1991. To this day the shellfish beds
15 in its path have never recovered.

16 In its proposal Islander East plans to use
17 horizontal directional drilling to penetrate the floor of
18 the Sound. In the event that this method is unsuccessful,
19 there is a lack of information regarding alternative
20 construction and the resulting environmental impact.
21 There is also concern that during the HDD construction
22 that drilling fluid, bentonite, could be released into the
23 waters of the Sound placing the shellfish in peril. In
24 his July 30th letter to Islander East our DEP Commissioner

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1 Arthur Rocque stated, and I quote, "That the activities as
2 proposed by Islander East in the proposed location would
3 cause significant adverse impacts to coastal resources and
4 water dependent uses and would therefore be inconsistent
5 with the enforceable policies of the Connecticut Coastal
6 Zone Management Plan." The Commissioner is here this
7 evening.

8 I'm going to leave you copies of
9 Connecticut Legislation that we have worked diligently on
10 during the past session to develop a comprehensive
11 planning process for energy projects that are sited with a
12 higher standard for those that go underwater through the
13 Sound to make a qualification that they meet the highest
14 standard of public need and to also assure that there are
15 cumulative impacts assessed and that those will be
16 scrutinized carefully.

17 I'll close by saying I strongly oppose this
18 proposed project as it blatantly ignores the clearly
19 documented public policy goals of the State of
20 Connecticut. It is in direct conflict with Connecticut's
21 Federally approved Coastal Zone Management Act, does not
22 provide adequate information on alternative construction
23 methodologies, does not give adequate consideration to
24 alternatives sites. The potential impact of this proposal

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1 on water quality, shellfish and shellfish beds, tidal
2 wetlands and the Public Trust of Long Island Sound, an
3 estuary of National significance, is devastating. We
4 should all stand firm in a resounding no to this project.

5 Thank you very much.

6 MODERATOR ROSENBERG: Thank you ma'am. The
7 next speaker is State Representative Peter Panaroni, who
8 will be followed by Robert Snook, representing -- from
9 Attorney General Blumenthal's office.

10 REPRESENTATIVE PETER PANARONI: Thank you
11 very much. My name is Peter Panaroni. I'm from the 102nd
12 District, Branford, I'm the State Representative here.
13 And I want to thank you for having this hearing tonight.
14 And I want to personally welcome you to the best little
15 town by the Sound, Branford. Please keep it that way.
16 Don't allow this to happen.

17 As you have heard before me, and you will
18 hear after me, many comments about how terrible this
19 pipeline is and how it's going to effect one of the most
20 beautiful pieces of sound devotion of land, our Sound.
21 And it's something that is not needed. It is of no
22 benefit to the town of Branford. You've heard what the
23 statement placed in Stratford from our Representatives in
24 that area. You will see a diverse group of individuals

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1 here who will speak opposed and you will see some of
2 course in favor.

3 But please take into consideration what
4 this is going to do to our beautiful Sound. It happened
5 in Stratford. We have seen the fishing, nothing has come
6 back. This is something that is not necessary. As you
7 heard from Doc Gunther, there are alternative ways to
8 bring gas out to Long Island other than coming across our
9 Sound.

10 It's a beautiful, beautiful ocean out
11 there. Please don't allow it to be disturbed. Thank you
12 very much.

13 MODERATOR ROSENBERG: Thank you sir. The
14 next speaker, Robert Snook from Attorney General
15 Blumenthal's office and he'll be followed by Commissioner
16 Art Rocque from the Connecticut Department of Environment
17 Protection.

18 MR. ROBERT SNOOK: Good evening. My name
19 is Robert Snook from the Attorney General's Office,
20 representing Mr. Blumenthal, whose scheduled does not
21 permit him to be here tonight.

22 He has prepared a 17-page comment, which I
23 will be submitting and so I won't go over the two minutes
24 I will be reading from the first page of the comments,

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1 which is safe.

2 "The Islander East pipeline is an
3 environmental nightmare, literally the worst case in the
4 worse place. A location less acceptable would be
5 impossible to find. The project poses a direct and
6 substantial threat to critical ecosystem resources in the
7 Long Island Sound. Its permanent harms clearly outweigh
8 any speculative benefit from having a duplicative pipeline
9 to Long Island.

10 Even if there is a valid need sometime for a new
11 pipeline, the planned route is unnecessarily and
12 unacceptably harmful, indeed, arguably the worst potential
13 route across the Sound. Every relevant regulatory agency
14 has agreed that the impacts are severe and that a
15 preferable alternative exists. The DEP's recent denial of
16 Coastal Zone Management Act permit in a separate decision
17 yesterday, tentatively denying a water quality permit,
18 pertain to the new and improved revised version of the
19 Island East project and reinforces the conclusion that not
20 only are the environmental impacts of this project
21 particularly severe, the uniquely sensitive location
22 renders it impossible to conduct this type of activity in
23 this area.

24 Therefore, under Section 404 of the Clean

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1 Water Act, this permit must be denied. Thank you.

2 MODERATOR ROSENBERG: Thank you, sir. The
3 next speaker is Commissioner Art Rocque of the Connecticut
4 Department of Environmental Protection, will be followed
5 by Rick Goodwin, Town Chairman for Branford.

6 MR. ART ROCQUE: Good evening. My name is
7 Art Rocque and I'm Commissioner of Environmental
8 Protection. If you need real estate my staff will be of
9 assistance (indiscernible, laughter).

10 The guidelines that I'm going to refer to
11 were submitted to your record and are a part of that
12 record and I'll just summarize it. Under Section 307 of
13 the Coastal Zone Management Act, the Federal Coastal Zone
14 Management Act which denied certification of this project
15 in October of '02, it was appealed in November of that
16 year and as you've heard it already and as you well know
17 we denied certification.

18 A good faith attempt has been made by both
19 the Applicant and your staff as well as my staff and the
20 staff of both Federal resource agencies to try and improve
21 this project. I think that what we have here is we
22 actually have a relatively simple problem but a very
23 difficult solution.

24 Simply put the corridor is unacceptable.

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1 Based on both lost -- and direct impact and indirect
2 impact to coastal resources, as well as the measurement of
3 (indiscernible) and future water dependent resources. Our
4 standards are in statute. I understand there's likely to
5 be appeals to the Secretary of Commerce, we're fairly used
6 to that process, and suspect we will prevail. Should we
7 prevail of course Federal permits cannot issue.

8 We also think there are two other points
9 that should be made here. The first is, in our view this
10 project is not exempt from State regulatory programs and
11 State regulatory jurisdiction. The Applicant admitted as
12 much by submitting to that jurisdiction, but then failing
13 to conclude the application and review process.

14 And last but not least, I don't believe and
15 I feel that the Attorney General agrees with me, he
16 certainly expressed that the Federal Energy and Regulatory
17 Commission enjoys (indiscernible) here on Long Island
18 Sound.

19 The project area in Connecticut, and New
20 York for that matter, is public trust tidal lands in which
21 we have a proprietary interest. There are no Federal
22 preempted statutes that apply in this sense. Thank you.

23 MODERATOR ROSENBERG: Thank you sir. The
24 next speaker is Rick Goodwin, who will be followed Robert