



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF PUBLIC ADVOCACY  
ENVIRONMENTAL PROTECTION BUREAU

December 2, 2002

Assistant Counsel for Ocean Services  
National Oceanic and Atmospheric Administration  
U.S. Department of Commerce  
1305 East-West Highway  
Silver Spring, MD 20910

Re: Millennium Pipeline Project: Federal Consistency Appeal

Dear Sir or Madam:

This supplemental comment letter is respectfully submitted by the Office of the New York State Attorney General to the National Oceanic and Atmospheric Administration (NOAA) concerning the proposed Millennium Pipeline Project. At a public hearing on November 13, 2002, this office submitted detailed comments to NOAA concerning what we believe are the significant adverse impacts that constructing a portion of the proposed pipeline in Westchester County, New York, would likely have on the New Croton Reservoir – which provides unfiltered drinking water to approximately 900,000 people each day.

Our prior comments detailed why we strongly prefer that the proposed pipeline completely avoid the New York City Watershed and, in particular, the drainage basin of the New Croton Reservoir. In the event that the Millennium Pipeline is allowed to be constructed in this sensitive watershed, we further requested that NOAA require heightened mitigation measures to be developed and implemented to limit polluted runoff and damage to wetlands that help protect water quality. Indeed, there is a serious question as to whether a project that causes any increase in nutrient phosphorus (which is often contained in polluted runoff) to the New Croton Reservoir would comply with the “total maximum daily load” phosphorus budget that was approved for the already “impaired” New Croton by the United States EPA pursuant to the Clean Water Act.

Due to the limited time for oral comments at the November 13, 2002 public hearing, this office was unable to complete its prepared public statement. For the record, we believe that it is important to recognize that Millennium’s staff, in discussions with this office, has proposed to implement heightened controls on polluted runoff from pipeline construction within the New York City Watershed. Millennium’s proposed controls would go well beyond the very sub-standard controls presently required by the Federal Energy Regulatory Commission. We recognize, however, that even very stringent controls on construction activity will only help to mitigate, but certainly will not eliminate, discharges of pollutants in storm water runoff.

Thank you for your time and consideration of these comments.

Respectfully submitted,

A handwritten signature in black ink that reads "James M. Tierney". The signature is written in a cursive style with a large, sweeping initial 'J'.

James M. Tierney  
Assistant Attorney General  
NYC Watershed Inspector General

# Town of Orangetown

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Thom Kleiner  
Supervisor



November 26, 2002

**Karl Gleaves**

Office of the Assistant General Counsel for Ocean Services

National Oceanic and Atmospheric Administration

United States Department of Commerce

1305 East-West Highway

Silver Spring, MD 20910

**Re: Rerouting of Millenium Pipeline**

Dear Mr. Gleaves:

On behalf of the Town Board of the Town of Orangetown, I am writing to elaborate upon our serious concerns regarding the rerouting of the Millennium Pipeline as I outlined in oral testimony at the public hearing on this matter on November 13, 2002.

We were first advised that alternate routes had been proposed for the Millennium Pipeline through the Town of Orangetown by a phone call from Rockland County officials on November 12. We were further informed that the final hearing of the U.S. Department of Commerce for the appeal filed by the Columbia Gas Transmission Corporation was to be held the next day, on November 13.

The Town of Orangetown agrees with the concerns enumerated by the County Executive and Director of Environmental Issues of Rockland County in their public hearing and written testimony, including impacts on public safety and the environment.

In addition, the Town has not been formally apprised of the process or the timetable by which the impacts of the alternate routes through the Town will be identified and analyzed. Our residents want and deserve the same time afforded to Westchester County residents to understand the proposed routes and identify its impacts.

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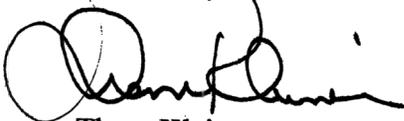
Our knowledge of the location of the proposed alternate routes through Orangetown is extremely limited. We have been presented with a schematic map of Rockland County showing municipal boundaries and major highways at a scale of 1" = 1 mile. The map delineates the proposed routes in a diagrammatic way. At this scale it is not possible to know which properties will be affected nor even which residential roads the routes are adjacent to.

Because of insufficient information, it is not possible to calculate specific impacts. We can surmise that there will be short-term impacts related to construction including commuter and local traffic disruption and rerouting, temporary loss of water or septic services to property and homeowners, and noise from tunneling and blasting through rock. Long-term impacts would include a reduction of buffers along the Palisades Interstate Parkway and destruction of natural habits in Tallman Mountain State Park and the Piermont Marsh.

For all of these reasons, we are requesting additional time to further comment on these matters.

Community concerns to date are outlined in the Town Board resolution attached with this letter. Please advise me of any information that might affect the Town of Orangetown regarding the Millenium Pipeline at the above address or by calling (845) 359-5100, ext. 261. Thank you.

Yours truly,



Thom Kleiner  
Supervisor

cc    Town Board  
      Senator Hillary R. Clinton  
      Senator Charles E. Schumer  
      Congressman Benjamin A. Gilman  
      Congressman Eliot L. Engel  
      County Executive C. Scott Vanderhoef  
      State Senator Thomas P. Morahan  
      Assemblyman-elect Ryan S. Karben

**Millenium Pipeline Resolution**  
Town of Orangetown, Rockland County, New York

Whereas the Millennium Pipeline has been proposed and previously approved to be routed through northern Rockland County and across Haverstraw Bay into Westchester County after careful comprehensive analysis and collaboration with affected communities, and

Whereas years of public comment and hearings, and environmental impact statements all deemed the crossing of Haverstraw Bay to pose the least threat to the coastal management and coastal water resources, and

Whereas a new alternative would route the pipeline through environmentally sensitive portions of the Town of Orangetown, and

Whereas, like the Haverstraw Bay, the Piermont Marsh has been designated a “significant coastal fish and wildlife habitat” by the New York State Department of State, and

Whereas the proposed route through the Town of Orangetown has been mapped only in a schematic manner and is lacking specificity, and

Whereas there are numerous and as yet undetermined environmental and potential economic impacts associated with locating the pipeline within property of the Palisades Interstate Parkway, through Tallman State Park and the Piermont Marsh which have not been identified nor analyzed, and

Whereas the Palisades Interstate Parkway has been designated a National and New York State Scenic Byway in recognition of its environmental, historical and scenic importance to the region, and

Whereas thousands of daily commuters including numerous Orangetown residents using the Palisades Interstate Parkway may experience delays and disruption if construction of the pipeline takes place on the Parkway property, and

Whereas there are public safety and security issues related to the proposed location in close proximity to the existing Tennessee Gas Pipeline, and

Whereas 256 Orangetown homeowners whose property immediately abuts the Palisades Interstate Parkway will be adversely affected by the construction of the pipeline on Parkway property by the permanent removal of the vegetated buffer, by an increase in noise from traffic along the Parkway due to reduced vegetation, by the creation of hazards to the public and by a decrease in property values, and

Now, therefore, the Town Board of the Town of Orangetown hereby declares that it is adamantly and vehemently opposed to any rerouting of the pipeline within Orangetown borders in the absence of a full and comprehensive analysis of all potential adverse impacts and exploration of all possible mitigation measures and approaches to this important matter.