

REPLY TO
ATTENTION OFDEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090*Rec'd 2/14/03
File
Millennium
Pipeline*

31 JAN 2003

Regulatory Branch

SUBJECT: Permit Application Number 1999-00640
by Millennium Pipeline Co.Richard Hall
Columbia Gas Transmission Corporation/Millennium Project
293 Court Street
Binghamton, New York 13901

Dear Mr. Hall:

This letter is a follow-up to our meeting of October 8, 2002. As affirmed previously in our letter of August 2, 2002, and as discussed during the meeting, we continue to have concerns with regard to your proposal to construct the pipeline within Haverstraw Bay to cross the Hudson River. Please provide information on the issues outlined below so that we may continue processing this permit application.

During our October meeting you indicated that alternative crossing locations were thoroughly investigated for a 15-mile length along the Hudson River from the crossing currently proposed. In various documents which have been sent to this office, you stated that you "investigated crossing locations upstream and downstream..." and that "despite a lengthy and diligent consideration of possible options, no feasible crossing location has been identified." Please provide materials which document your findings during these investigations. In addition, during the U.S. Department of Commerce's (DOC) public hearing held on November 13, 2002, you indicated to us that you were going to prepare a response to a report prepared by O'Brien and Gere Engineers, Inc., entitled "Feasibility Evaluation of Alternative Routes for the Millennium Pipeline Project" dated October 2002, for submission to DOC and that you would provide a copy to this office.

With regard to the plume modeling, the report prepared by Lawler, Matusky & Skelly Engineers entitled, "Millennium Pipeline Project - New York State Coastal Zone Management Policy Consistency Determination", dated June 2000, states that dredge plume modeling was conducted by GAI. The report states that four components were modeled (dredging in shallow water, dredging in deep water, backfilling in shallow water with a bucket, and backfilling in deep water using a bottom dump barge). You stated that these components could be timed such that their interaction would be minimized, and also stated that the NYSDEC Water Quality Certificate issued on February 14, 2000, required that sediment backfilling using bottom dump barges would be performed only during periods of low slack tide. The NYSDEC defines this period as from one hour before to one hour after the NOAA predicted low tide time at Haverstraw. Based on our review of the NOAA predicted tides for

October 17, 2002, at Haverstraw, this would occur only from approximately 1400 hours to 1600 hours. When we asked you if this would present difficulties in meeting the required 76-day work window for crossing Haverstraw Bay, you indicated that multiple barges could be utilized to dump simultaneously during this low slack tide period. While this may indeed allow for a shorter construction time, it would exacerbate the turbidity and conflict with the data apparently used for the plume modeling.

As we discussed during our meeting, while the model may be accurate for these individual components occurring independently from each other during a unidirectional flow, we are concerned about the cumulative effects of multiple components occurring simultaneously or over-lapping, and the movement of the tidal currents. These facts, in combination with the statements of our Waterways Experiment Station that the predicted plume life would be more like 1 to 2 hours (versus your prediction of 30 minutes), lead us to believe that the turbidity would be substantially more than you stated and that it would be near impossible to meet the required timeframes to complete the crossing if only one bottom dump were to occur as per NYSDEC's requirement. Please provide information that addresses these concerns.

In addition, in light of the route changes within Westchester County, you are reminded that a delineation of all waters of the United States within the right-of-way or other work areas, including data sheets, should be submitted to this office. As we recently discussed, we still have some concerns about the accuracy of the wetland delineation for the remainder of the pipeline route within the New York District. We would like to discuss these concerns with you at our February 7th meeting.

Beyond the above issues, and as we have previously discussed with you, we are also concerned about making a permit decision prior to the completion of the requirements set forth in the National Historic Preservation Act (NHPA). It is therefore imperative that these issues be resolved in accordance with our regulations, prior to our decision making process. If any questions should arise concerning this matter, please contact me at (212) 264-3996.

Sincerely,



Richard Tomer
Chief, Regulatory Branch

- cf: USACE - Buffalo & Pittsburgh
- USFWS
- FERC
- USEPA
- NMFS
- NOAA
- NYSDOS
- NYSDEC