



Coastal Consistency Review Form

Please complete this form in accordance with the instructions (DEP-INST-004). Print or type unless otherwise noted.

Note: Fill out this form only if your project is in the Coastal Area as defined in CGS Section 22a-94(a).

DEP USE ONLY	
Application No.:	_____
Analyst Assigned:	_____
Date Received (OLISP):	_____

Part I: Project Information

1. Name and phone number of the applicant exactly as it appears on the *Permit Application Transmittal Form* (DEP-APP-001).

Applicant: Islander East Pipeline Company, L.L.C.

Title (Mr., Mrs., Ms., Dr., etc.)	Last Name	First Name	Middle Initial	Suffix (Jr., P.E., Ph.D.)
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Phone: 203-488-1800

Date: 04/11/2002 (Revised 7/11/02)

2. Name of Preparer: Natural Resource Group, Inc.

Title (if applicable)

3. Street Address or Description of Location of the Project Site:

Please refer to page 1 of Islander East's OLISP & 401 Water Quality Permit Application package.

City or Town: Cheshire, Wallingford, North Haven, East Haven

4. Brief Project Description:

Natural Gas Pipeline Installation from North Haven to Branford, and across Long Island Sound. Compressor station construction in Cheshire, and pipeline retest in Cheshire, Wallingford, and North Haven.

5. Is the project located within the coastal boundary as defined in CGS Section 22a-94(b)?

Yes No

If you answered **Yes** to this question, complete the entire form.

If you answered **No** to this question, skip Parts II through V and complete Parts VI, VII and VIII.

Part II: Identification of Applicable Coastal Use and Activity Policies and Standards

Identify all statutory goals and policies in or referenced by Section 22a-92 of the Coastal Management Act applicable to the proposed activities.

- General Development* -CGS Sections 22a-92(a)(1), 22a-92(a)(2), 22a-92(a)(9), 22a-92(a)(9)
- Water-Dependent Uses -CGS Sections 22a-92(a)(3), 22a-92(b)(1)(A)
- Ports and Harbors - CGS Section 22a-92(b)(1)(C)
- Coastal Structures and Filling- CGS Section 22a-92(b)(1)(D)
- Dredging and Navigation CGS Sections 22a-92(c)(1)(C), 22a-92(c)(1)(D)
- Boating- CGS Section 22a-92(b)(1)(G)
- Fisheries- CGS Section 22a-92(c)(1)(I)
- Coastal Recreation And Access - CGS Sections 22a-92(a)(6), 22a-92(C)(1)(j), 22a-92(c)(1)(K)
- Sewer and Water Lines- CGS Section 22a-92(b)(1)(B)
- Fuel, Chemicals And Hazardous Materials CGS Sections 22a-92(b)(1)(C), 22a-92(b)(1)(E), 22a -92(c)(1)(A)
- Transportation -CGS Sections 22a-92(b)(10)(F), 22a-92(c)(1)(F), 22a-92(c)(1)(G), 22a -92(c)(1)(H)
- SolidWaste - CGS Section 22a-92(a)(2)
- Dams, Dikes and Reservoirs- CGS Section 22a-92(a)(2)
- Cultural Resources- CGS Section 22a-92(b)(1)(J)
- Open Space and Agricultural Lands CGS Section 22a-92(a)(2)

* applicable to all proposed activities

Part III: Consistency With Applicable Statutory Coastal Use and Activity Goals and Policies

Explain how the proposed activity is consistent with the applicable coastal activities goals and policies identified in PartII and describe any mitigation necessary to offset adverse impacts:

Please refer to Section 3 of the Coastal Consistency Report. This section describes in detail how the proposed activity is consistent with each applicable coastal activity goal and policy, listed above. This section also describes the mitigation proposed to offset adverse impacts.

Part IV: Identification of Applicable Coastal Resources and Coastal Resource Policies

Identify the coastal resources and associated statutory policies that apply to your project by placing a check mark in the appropriate space(s) in the following table.

Coastal Resources	on-site	adjacent to work site	off-site but potentially affected by the project
General Resources* - CGS Sections 22a-93(7), 22a -92(a)(2)	X	X	X
Beaches & Dunes - CGS Sections 22a-93(7)(C), 22a -92 -(b)(2)(C), 22a-92(c)(1)(K)			
Bluffs & Escarpments - CGS Sections 22a-93(7)(A), 22a -92(b)(2)(A)			
Coastal Hazard Area - CGS Sections 22a-93(7)(H), 22a-92(a)(2), 22a-92(b)(2)(F), 22a-92(b)(2)(J), 2 2a-92(c)(2)(B), 22a -92(a)(5)	X	X	
Coastal Waters & Estuarine Embayments -CGS Sections 22a-93(5), 22a-93(7)(K), 22a-93(7)(L), 22a -93(7)(G), 22a-92(a)(2), 22a-92(c)(2)(A)	X	X	X
Developed Shorefront -CGS Sections 22a-93(7)(I), 22a -92(b)(2)(G)	X	X	
Freshwater Wetlands and Watercourses - CGS Sections 22a-93(7)(F), 22a-92(a)(2)	X	X	
Intertidal Flats - CGS Sections 22a-93(7)(D), 22a-92(b)(2)(D), 22a -92(c)(1)(K)	X	X	
Islands - CGS Sections 22a-93(7)(J), 22a-92(b)(2)(H)		X	X
Rocky Shorefront - CGS Sections 22a-93(7)(B), 22a-92(b)(2)(B)		X	X
Shellfish Concentration Areas -CGS Sections 22a-93(7)(N), 22a-92(c)(1)(I)	X	X	X
Shorelands -CGS Sections 22a-93(7)(M), 22a-92(b)(2)(I)	X	X	
Tidal Wetlands - CGS Sections 22a-93(7)(E), 22a-92(a)(2), 22a -92(b)(2)(E), 22a-92(c)(1)(B)	X	X	

* applicable to all proposed activities

Part V: Consistency with Applicable Statutory Coastal Resource Goals and Policies

Explain how the proposed activity is consistent with the applicable statutory coastal resource goals and policies identified in Part IV and describe any mitigation necessary to offset adverse impacts:

Please refer to Section 2 of the Coastal Consistency Report. This section describes in detail how the proposed activity is consistent with each applicable statutory coastal resource goal and policy, listed above. This section also describes mitigation proposed to offset adverse impacts.

Part V: Consistency with Applicable Statutory Coastal Resource Goals and Policies (Cont.)

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Part VI: Identification of Potential Adverse Impacts

Identify the adverse impact categories that apply to the proposed activity. The "applicable" space must be checked if the proposed activity has the potential to generate any adverse impacts defined in the Coastal Management Act and referred to in the following table. If the category is applicable to the proposed activity, you may describe in Part VII project designfeatures which may eliminate or minimize the potential for identified adverse impacts.

Potential Resource Impacts	Applicable	Not Applicable
Characteristics & Functions of Resources - CGS Section 22a-93(15)(H)		X
Coastal Flooding - CGS Section 22a-93(15)(E)		X
Coastal Waters Circulation Patterns - CGS Section 22a-93(15)(B)		X
Drainage Patterns - CGS Section 22a-93(15)(D)		X
Patterns of Shoreline Erosion and Accretion - CGS Section 22a-93(15)(C)		X
Visual Quality - CGS Section 22a-93(15)(F)		X
Water Quality - CGS Section 22a-93(15)(A)	X	
Wildlife, Finfish, Shellfish Habitat - CGS Section 22a-93(15)(G)	X	

Potential Impacts on Water Dependent Uses	Applicable	Not Applicable
Locating a non-water-dependent use on a site suited to or planned for a water-dependent use - CGS Section 22a-93(17)		X
Replacing an existing water-dependent use with a nonwater-dependent use - CGS Section 22a-93(17)		X
Siting a non-water-dependent use which reduces or eliminates public access to marine or tidal waters - CGS Section 22a-93(17)		X

Part VII: Consistency with Statutory Adverse Impact Policies

Explain how all potential adverse impacts identified, as applicable, in Part VI have been avoided, eliminated or minimized.

As stated in the Coastal Consistency Report, the proposed project will be designed, constructed and maintained to minimize the impact of coastal flooding, water circulation patterns, drainage, and erosion patterns. Since existing surface contours will be restored to near pre-construction condition, the installation of the pipeline will not significantly alter the natural features of vistas and view points.

The response to Part IV, Question 5, of Islander East's OLISP and 401 Water Quality Permit Application package discusses potential adverse impacts to water quality, wildlife, finfish, and shellfish habitat, and how they have been avoided, eliminated, or minimized. Islander East's Erosion and Sedimentation Control Plan, located in Appendix B of the application package, includes a detailed discussion of specific mitigation measures to be implemented.

Additionally, please see the response to Part IV, Question 8 of the permit application for discussion of potential adverse impacts of the proposed activities upon future water dependent development opportunities and activities.

Part VIII: Remaining Adverse Impacts

Identify any adverse impacts which remain after incorporating all measures to eliminate or minimize such adverse impacts, and explain why no feasible and prudent alternatives exist that would further avoid or reduce such impacts.

Please see the response to Part IV, Question 11 of the permit application for discussion of potential remaining adverse impacts.



ISLANDER EAST PIPELINE PROJECT

Coastal Consistency Report

PREPARED BY



&

TRC Environmental Corporation

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1.0 INTRODUCTION

Islander East Pipeline Company, L.L.C. (Islander East) is proposing to construct of a new interstate natural gas pipeline and ancillary facilities. The Islander East Pipeline Project will be constructed within coastal and non-coastal areas in Connecticut. This document reviews coastal resources and coastal use activities, and discusses the consistency of the proposed pipeline project with the policies presented in the Reference Guide to Coastal Policies and Definitions, prepared by the Connecticut Department of Environmental Protection (CTDEP), Office of Long Island Sound Programs (OLISP), revised June 15, 1998.

2.0 COASTAL RESOURCE POLICIES

The policies presented in the Reference Guide are taken from and developed for the Connecticut Coastal Management Act. Coastal resource policies apply to all uses occurring in or affecting any resource category defined in the Act. Review of applicable coastal policies makes up the resource management component of the resource management/impact zoning system established by the Connecticut Coastal Management Act. The coastal policies in this document are presented in the Connecticut General Statutes (CGS) Section 22a-92 (unless otherwise noted), with specific subsections noted prior to the policy. Definitions for the resources can be found in CGS Section 22a-93, as noted.

2.1 General Resources

22a-92(a)(2)

To preserve and enhance coastal resources in accordance with the policies established by chapters 439 (Environmental Protection Department and State Policy), 440 (Wetlands and Watercourses), 446i (Water Resources), 446k (Water Pollution Control), 447 (State Parks and Forests), 474 (Pollution), and 477 (Flood Control and Beach Erosion).

General coastal resources exist along the proposed pipeline route and will be preserved and conserved by using Best Management Practices described in the *Erosion and Sedimentation Control Plan* (ESC Plan in Appendix B of the OLISP permit application package) and as shown on the project drawings (provided in Attachment C of the OLISP permit application package). Implementation of these Best Management Practices will offer protection to the public trust resources of the people of the State of Connecticut, and is therefore consistent with this resource policy.

2.2 Coastal Hazard Areas

22a-92(b)(2)(F)

To manage coastal hazard areas so as to insure that development proceeds in such a manner that hazards to life and property are minimized and to

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promote nonstructural solutions to flood and erosion problems except in those instances where structural alternatives prove unavoidable and necessary to protect existing inhabited structures, infrastructural facilities or water dependent uses.

Coastal Flood Hazard Areas are present along the proposed pipeline within approximately 3,400 feet inland of the Connecticut shoreline. With the exception of one aboveground valve, the project will not alter floodplain elevations or affect flooding as all facilities within Coastal Flood Hazard Areas will be underground once the construction has been completed and restored to original contours. If necessary, weights or concrete coated pipe will be used to provide negative buoyancy, preventing pipe from floating during flooding events. During construction, erosion and sedimentation control measures will be implemented as described in the ESC Plan. Therefore, the proposed project is consistent with this policy.

22a-92(b)(2)(J)

To maintain the natural relationship between eroding and depositional coastal landforms and to minimize the adverse impacts of erosion and sedimentation on coastal land uses through the promotion of nonstructural mitigation measures. Structural solutions are permissible when necessary and unavoidable for the protection of infrastructural facilities, water-dependent uses, or existing inhabited structures, and where there is no feasible, less environmentally damaging alternative and where all reasonable mitigation measures and techniques have been provided to minimize adverse environmental impacts.

Islander East is planning to install the pipeline under the Connecticut shoreline using the horizontal directional drill construction technique. Islander East will install and maintain Best Management Practices during construction and will restore contours, as near as practicable, to pre-construction contours. The proposed project is consistent with this policy because the natural relationship between eroding and depositional coastal landforms and to minimize the adverse impacts of erosion and sedimentation on coastal land uses through the promotion of nonstructural mitigation measures.

2.3 Coastal Waters & Estuarine Embayments

22a-92(c)(2)(A)

To manage estuarine embayments so as to insure that coastal uses proceed in a manner that assures sustained biological productivity, the maintenance of healthy marine populations and the maintenance of essential patterns of circulation, drainage and basin configuration; to protect, enhance and allow natural restoration of eelgrass flats except in special limited cases, notably shellfish management, where the benefits accrued through alteration of the

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flat may outweigh the long-term benefits to marine biota, waterfowl, and commercial and recreational finfisheries.

Islander East plans to install the pipe using horizontal directional drill construction techniques to avoid significant impacts on shellfish concentration areas. Construction methods including Best Management Practices will be employed to reduce controllable sedimentation. Therefore, the proposed project is consistent with this policy.

2.4 Developed Shorefront

22a-92(b)(2)(G)

To promote, through existing state and local planning, development, promotional and regulatory programs, the use of existing developed shorefront areas for marine-related uses, including but not limited to commercial and recreational fishing, boating and other water-dependent commercial, industrial and recreational uses.

Developed shorefront associated with the Tilcon facility (an industrial barge loading facility) is located along the proposed horizontal directional drill path. The proposed pipe will be installed underground to avoid impacts on the existing developed shorefront, and is therefore consistent with this policy.

2.5 Freshwater Wetlands and Undesignated Tidal Wetlands

22a-92(a)(2)

To preserve and enhance coastal resources in accordance with the policies established by chapters 439 (Environmental Protection Department and State Policy), 440 (Wetlands and Watercourses), 446i (Water Resources), 446k (Water Pollution Control), 447 (State Parks and Forests), 474 (Pollution), and 477 (Flood Control and Beach Erosion).

No wetlands will be drained or permanently filled as a result of the Islander East Pipeline Project. Construction will result in temporary disturbances to wetlands, including: the temporary loss of wetland vegetation, aesthetics, and wildlife habitat associated with clearing and other construction activities; soil disturbance associated with trenching, equipment traffic, and the pulling of stumps; and temporary increases in turbidity and fluctuations in wetland hydrology associated with trenching and spoil storage. The impact on forested wetlands will be of longer duration than other wetland types since woody vegetation will require additional time to become re-established on the right-of way after construction. Islander East will minimize wetland impacts by implementing its ESC Plan.

After the pipeline is installed, wetlands will be restored, as near as practicable, to pre-construction conditions.

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The proposed project is consistent with this policy because no freshwater or tidal wetlands or watercourses will be filled, disturbance will be minimized, and Best Management Practices will be used to prevent impact from erosion, turbidity and sedimentation.

2.6 Intertidal Flats

22a-92(b)(2)(D)

To manage intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds; to encourage the restoration and enhancement of degraded intertidal flats; to allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation and nutrient storage functions and to disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats.

An area of intertidal flats is present along the proposed pipeline at MP 10.2. This portion of the pipeline will be installed using the horizontal directional drilling construction technique, and no disturbance will occur to the intertidal flats. Therefore, the proposed project is consistent with this policy.

2.7 Islands

22a-92(b)(2)(H)

To manage undeveloped islands in order to promote their use as critical habitats for those bird, plant and animal species which are indigenous to such islands or which are increasingly rare on the mainland; to maintain the value of undeveloped islands as a major source of recreational open space; and to disallow uses which will have significant adverse impacts on islands or their resource components.

Several islands are located to the east of the proposed horizontal directional drill path. Andrews Island, situated directly south of Juniper Point, is located approximately 40 feet from the proposed pipeline drill path in an area where the drill path would be at least 100 feet below the seabed. Therefore, the proposed project is consistent with this policy.

2.8 Rocky Shorefronts

22a-92(b)(2)(B)

To manage rocky shorefronts so as to insure that development proceeds in a manner which does not irreparably reduce the capability of the system to support a healthy intertidal biological community; to provide feeding grounds and refuge for shorebirds and finfish, and to dissipate and absorb storm and wave energies.

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Rocky shorefronts exist adjacent to the proposed horizontal directional drill path in the form of bedrock outcrops along the shoreline to the west, and along Andrews Island to the east. The proposed horizontal directional drill path has been designed to be at a sufficient depth below the bedrock surface to avoid impacts on rocky shorefronts. The entry point of the directional drill will be at MP 10.1, approximately 700 feet inland from the water's edge.

The proposed project is consistent with this policy because the pipeline will be installed below grade and no impacts to the existing rocky shorefronts will occur. Additionally, it will not reduce the capability of the system to support a healthy intertidal biological community, to provide feeding grounds and refuge for shorebirds and finfish, or dissipate and absorb storm and wave energies.

2.9 Shellfish Concentration Area

22a-92(c)(1)(I)

To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations.

Islander East proposes to install the pipeline at the Connecticut shoreline using the horizontal directional drill construction technique. The drill will be of sufficient length to avoid direct impacts on shellfish beds. By using this technique, no dredging will be conducted between MPs 10.2 to 10.9, where the shellfish beds are concentrated. Therefore, the proposed project is consistent with this policy.

2.10 Shorelands

22a-92(b)(2)(I)

To regulate shoreland use and development in a manner which minimizes adverse impacts upon adjacent coastal systems and resources.

Shorelands are present within approximately 4,500 feet inland of the Long Island Sound coastline. Pipeline installation within shorelands will be conducted via traditional trenching methods, and in accordance with the ESC Plan. Implementation of the ESC Plan will reduce adverse impacts to adjacent coastal systems and resources. Therefore, the proposed project is consistent with this policy.

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2.11 Tidal Wetlands

22a-92(b)(2)(E)

To preserve tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions; to encourage the rehabilitation and restoration of degraded tidal wetlands and where feasible and environmentally acceptable, to encourage the creation of wetlands for the purposes of shellfish and finfish management, habitat creation and dredge spoil disposal.

The proposed project is consistent with this policy because no tidal wetlands will be filled, drained or permanently impacted. One tidal wetland is located along the proposed pipeline route at MP 9.6. While this wetland has a surveyed elevation below the state designated level for tidal wetlands of one (1) foot above local extreme high water, it does not contain the hydrology or vegetation typical of tidally influenced wetlands. Islander East will implement the measures described in its ESC Plan to minimize impacts.

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3.0 COASTAL USE & ACTIVITIES POLICIES

“Coastal Use” policies pertain to certain major uses independent of their location within the coastal area. They must be considered in addition to and in conjunction with all applicable coastal resource policies and potential adverse impacts.

3.1 General Development

22a-92(a)(1)

To insure that the development, preservation or use of the land and water resources of the coastal area proceeds in a manner consistent with the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth.

General land and water resources exist along the proposed pipeline route and construction of the proposed project will be conducted in such a manner as to protect the natural environment and economic growth. Therefore, the proposed project is consistent with this policy.

3.2 Boating

22a-92(b)(1)(G)

To encourage increased recreational boating use of coastal waters, where feasible, by

- (1) Providing additional berthing space in existing harbors,**
- (2) Limiting non-water-dependent land uses that preclude boating support facilities,**
- (3) Increasing state-owned launching facilities, and**
- (4) Providing for new boating facilities in natural harbors, new protected water areas and in areas dredged from dry land.**

Offshore construction may result in some temporary loss of recreational boating area in the immediate vicinity of the pipe-laying vessel, associated vessels, and tenders, but no long-term or significant impacts on recreational boating are expected. Due to the linear nature of the project, the installation activity and associated pipe-laying vessel, associated vessels, and tenders move along the route and do not stay in one place for long. The exception to this is at the horizontal directional drill exit hole where there is the potential for equipment to be located for approximately three months. The offshore areas allow for movement of boats from one area to another so that the recreational boating can be ongoing in other areas as the project installation equipment is moving across the Sound. Impacts will be minimized by the fact that construction activities will take place during the winter months when recreational boating is less active. Therefore the proposed project is consistent with this policy.

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3.3 Coastal Recreation and Access

22a-92(c)(1)(K)

To require as a condition in permitting new coastal structures, including but not limited to, groins, jetties or breakwaters, that access to, or along, the public beach below mean high water must not be unreasonably impaired by such structures.

The proposed project does not include new coastal structures that would limit access to or along the public beach below mean high water, therefore the proposed project is consistent with this policy.

3.4 Coastal Structures And Filling

22a-92(b)(1)(D)

To require that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts on coastal resources, circulation and sedimentation patterns, water quality, and flooding and erosion, to reduce to the maximum extent practicable the use of fill, and to reduce conflicts with the riparian rights of adjacent landowners.

The proposed pipeline will be constructed at a sufficient depth beneath coastal waters to minimize impacts on coastal resources, circulation and sedimentation patterns, water quality, and flooding and erosion. Additionally, the project will not impact riparian rights of adjacent landowners. Therefore, the proposed project is consistent with this policy.

3.5 Cultural Resources

22a-92(b)(1)(J)

To require reasonable mitigation measures where development would adversely impact historical, archaeological, or paleontological resources that have been designated by the state historic preservation officer.

The proposed project will not adversely impact historical, archaeological, or paleontological resources that have been designated by the state historic preservation officer, therefore the proposed project is consistent with this policy.

3.6 Dredging And Navigation

22a-92(c)(1)(C)

To initiate in cooperation with the federal government and the continuing legislative maintenance and enhancement of federally-maintained navigation facilities in order to effectively and efficiently plan and provide for environmentally sound dredging and disposal of dredged materials; to encourage, through the state permitting program for dredging activities, the

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maintenance and enhancement of existing federally-maintained navigation channels, basins and anchorages and to discourage the dredging of new federally-maintained navigation channels, basins and anchorages.

The proposed project will not impact federally-maintained navigation channels, basins, or anchorages. In addition, the pipeline will be installed at sufficient depth using the horizontal directional drill construction technique to avoid impacts on the existing Tilcon navigation channel. Therefore, the proposed project is consistent with this policy.

3.7 Fisheries

22a-92(c)(1)(I)

To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations.

The Islander East project will be consistent with this policy because Islander East will use specialized construction techniques, such as horizontal directional drilling and seascape plowing, to minimize impacts on commercial and recreation fishing.

3.8 Fuel, Chemicals And Hazardous Materials

22a-92(c)(1)(A)

To minimize the risk of spillage of petroleum products and hazardous substances, to provide effective containment and cleanup facilities for accidental spills and to disallow offshore oil receiving systems that have the potential to cause catastrophic oil spills in the Long Island Sound estuary.

Islander East has prepared a *Spill Prevention Control and Countermeasure Plan* (SPCC Plan) to address the handling of fuel, lubricants, and hazardous materials and to avoid or minimize the effects of fuel and other chemical spills on aquatic resources. The SPCC Plan, within the ESC Plan, describes the preventative and mitigative measures to be implemented in the event of a leak or spill. The SPCC Plan designates refueling areas; spill response procedures, materials, and training; mitigative measures/response; and hazardous liquid quantities, storage, and disposal.

As discussed above, the SPCC Plan details spill preventative measures, response procedures, materials, and training and hazardous liquid quantities, storage, and disposal. The proposed project does not include offshore oil receiving systems. Therefore, the proposed project is consistent with this policy.

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3.9 Open Space And Agricultural Lands

22a-92(a)(2)

To preserve and enhance coastal resources in accordance with the policies established by chapters 439 (Environmental Protection Department and State Policy), 440 (Wetlands and Watercourses), 446i (Water Resources), 446k (Water Pollution Control), 447 (State Parks and Forests), 474 (Pollution), and 477 (Flood Control and Beach Erosion).

The proposed project is consistent with this policy by preserving, to the greatest extent possible, open spaces and agricultural lands. The following discussion summarizes lands that will be temporarily affected during construction.

Open Space

Open Land

Open land is defined as non-agricultural, open and scrub-shrub uplands and wetlands, including pastures, fallow croplands, and cleared areas.

Islander East consulted with the U.S. Department of Agriculture (USDA), Farm Service Agency (FSA), in each county to obtain information on Conservation Reserve Program (CRP) land crossed by the project. Based on the FSA responses, the project will not cross any CRP land in Connecticut.

Effects of construction on open land use will be minor and short term. The pre-construction herbaceous and shrub communities will become reestablished within one or two growing seasons after construction. Open land uses will be allowed to continue within the permanent right-of-way after construction.

Land Trusts

Land trusts are private, non-profit organizations whose mission is to protect open space. The Connecticut portion of the pipeline route will cross properties of three land trusts including the North Haven Land Trust, Inc.; North Branford Land Trust; and Branford Land Trust, Inc.

In the coastal area, Islander East will cross Branford Land Trust land beginning at MP 9.7, for approximately 1,050 feet. Use of the property is subject to a conservation easement specifying that the Branford Land Trust not permit use of the property by any motor vehicle, or for picnicking, or for any other use than passive recreation, nor shall any fence be constructed on such property without the prior approval of the affected abutting landowners. Islander East believes a buried pipeline is consistent with the conservation purpose of this property and will continue to consult with Branford Land Trust regarding the most efficient ways to avoid or minimize impacts on these areas.

No conservation easements specifically prohibiting pipeline installation or other types of development have been identified for any of the other parcels crossed

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within the land trusts. Islander East has initiated consultations with the North Haven Land Trust, Inc. and the North Branford Land Trust regarding the most appropriate ways to avoid or minimize impacts on these areas.

Agricultural Land

Agricultural land consists of actively cultivated croplands, hay fields, tree farms, orchards, and nurseries, as well as intervening fence lines, windbreaks, and shelter belts. Cultivated areas in New Haven County, Connecticut are primarily used to grow corn and forage crops to provide feed for dairy cattle. Other areas include nursery and greenhouse stocks, as well as apples, peaches, pears, and vegetables. Islander East will consult with landowners affected by the project to identify other specialty crops along the route.

The primary impacts on agricultural land are the loss of crops within the right-of-way during construction and the potential for reduced yield of future crops. Islander East will take steps to minimize loss of future crop production. No prime farm land soil will be permanently taken out of production. Landowners will be compensated for crop loss and other documented damages. After construction, crop growth will be monitored for two years to determine whether the crops have returned to expected productivity. Croplands, except for approximately 3.2 acres within the operational areas of the Cheshire Compressor Station, will be allowed to return to agricultural use after construction. The implementation of construction and mitigation procedures presented in the ESC Plan will minimize impacts on agricultural land.

The proposed project will have no long-term impact on open spaces, open lands, land trusts, or agricultural lands. Therefore, the proposed project is consistent with this policy.

3.10 Ports And Harbors

22a-92(b)(1)(C)

To promote, through existing state and local planning, development, promotional and regulatory authorities, the development, reuse or redevelopment of existing urban and commercial fishing ports giving highest priority and preference to water dependent uses, including but not limited to commercial and recreational fishing and boating uses; to disallow uses which unreasonably congest navigation channels, or unreasonably preclude boating support facilities elsewhere in a port or harbor; and to minimize the risk of oil and chemical spills at port facilities.

The proposed project does not include development, reuse or redevelopment of existing urban and commercial fishing ports. The vessels associated with the offshore construction may result in some temporary impact on recreational boating areas, vessel traffic, harbor congestion, and the disturbance from noise or vessel wakes in the immediate vicinity of the pipe-laying vessel. No long-term or

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significant impacts on the above activities are anticipated. Any temporary impacts will be minimized by the primarily wintertime construction period in Long Island Sound and by adhering to navigational regulations and precautions. In addition, Islander East will coordinate with the United States Coast Guard and a "Notice to Mariners" will be issued with installation details. Communication will also be ongoing with vessels in the vicinity of the installation activities. These measures will ensure project consistency with this policy.

3.11 Solid Waste

22a-92(a)(2)

To preserve and enhance coastal resources in accordance with the policies established by chapters 439 (Environmental Protection Department and State Policy), 440 (Wetlands and Watercourses), 446i (Water Resources), 446k (Water Pollution Control), 447 (State Parks and Forests), 474 (Pollution), and 477 (Flood Control and Beach Erosion).

All solid wastes generated as part of the construction of the proposed pipeline will be disposed of in accordance with all federal, state, and local regulations, therefore, the proposed project is consistent with this policy.

3.12 Water Dependent Uses

22a-92(a)(3)

To give high priority and preference to uses and facilities which are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters.

The project is proposed to be located within a developed shorefront. Overland installation of the pipeline route will be located at a marine barge loading facility at Juniper Point on Long Island Sound, and the onshore to offshore horizontal directional drill will be located within the Tilcon barge terminal facility. The proposed drill path will be at a sufficient depth (3 feet) below the shorefront to not adversely impact the uses and facilities which are dependent upon the proximity to the water. Upon completion of the pipe installation, the construction area will be restored to preconstruction conditions and water dependent uses are anticipated to return to preconstruction levels. Therefore, the proposed project is consistent with this policy.

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4.0 POTENTIAL RESOURCE IMPACTS

Potential impact to resources pertains to cumulative activities that may have adverse impacts to coastal resources. Adverse impacts must be considered in addition to and in conjunction with all applicable coastal resource policies.

4.1 Water Quality

22a-93(15)(A)

Degrading water quality through the significant introduction into either coastal waters or groundwater supplies of suspended solids, nutrients, toxics, heavy metals or pathogens, or through the significant alteration of temperature, pH, dissolved oxygen or salinity.

The proposed project will not result in any long term impacts on water quality. General water quality conditions will be preserved by using Best Management Practices described in the ESC Plan and in the *Marine Pipeline Installation Methodology* (Appendix A of the OLISP permit application package). Therefore, the proposed project is consistent with this policy.

4.2 Wildlife, Finfish, Shellfish Habitat

22a-93(15)(G)

Degrading or destroying essential wildlife, finfish or shellfish habitat through significant alteration of the composition, migration patterns, distribution, breeding or other population characteristics of the natural species or significant alteration of the natural components of the habitat.

The temporary nature of the construction activity is not expected to have any long term impacts to wildlife. Islander East has consulted with the Connecticut Department of Environmental Protection and the U.S. Fish and Wildlife Service and has confirmed that no state or federally listed threatened or endangered species will be impacted by the Islander East Pipeline Project. Additionally, Islander East proposes to drill its Connecticut entry into Long Island Sound using the horizontal directional drill construction technique to avoid direct impacts on nearshore shellfish beds. Most fishes in construction areas are expected to attempt to avoid or escape short term unfavorable water quality and habitat conditions during construction activity. Displacement of individuals from the area of construction may temporarily increase species density in available adjacent habitat, but is not anticipated to cause detrimental stress to individuals. Therefore, the proposed project is consistent with this policy.

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5.0 REFERENCES

Connecticut Department of Environmental Protection, Office of Long Island Sound Programs. Revised, June 15, 1998. Reference Guide to Coastal Policies and Definitions, DEP-OLIS-GUID-200.

Connecticut General Statutes, Sections 22a-92 and 22a-93.