6.0 GROUPS AND INDIVIDUALS

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FEDERAL ENERGY
REGULATORY COMMISSION

5/6/02
~~May 12, 2002~~

G1-1 Ms. Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Re: Islander East Pipeline Company, L.L.C.
Docket Nos. CP01-384-000, CP01-385-000, CP01-386-000

I totally do not agree that the Pipeline is either necessary or safe for LIS!

Dear Secretary Salas:

Thank you for the opportunity to offer this letter ~~in support~~ against of the proposed Islander East Pipeline project.

As a Connecticut business person, I believe that the Islander East Pipeline is a necessary component of a long-term strategy to ensure that Connecticut has an adequate supply of natural gas.

The demand for natural gas in this region is increasing rapidly. Besides being an efficient fuel it is also a very clean fuel, and converting to natural gas is one important way that we in Connecticut are protecting the environment.

Connecticut depends entirely on outside sources for its supply of natural gas, and the Islander East Pipeline will increase the reliability and flexibility of the interstate distribution grid that serves both Connecticut and New York. The time to expand this important distribution infrastructure is now—before we have an energy crisis—when it can be done thoughtfully and carefully.

G1-1 I ~~encourage~~ strongly urge you not to approve the Islander East Pipeline to help us protect ~~our future~~ the future of our amazing natural resource, Long ~~Island~~ Sound.

Sincerely,

Yours, Ruth Lambert

Ms. R. Lambert
Real Estate Valuation Magazine
315 Whitney Avenue
New Haven, CT 06511
ph: 203-562-3159
FX: 562-5481

020614015 2.2

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GROUPS AND INDIVIDUALS 1

G1-1 Thank you for your comment.

5/16/02

G2-1 I am totally against this project - do not approve!

Elizabeth Orsini

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FEDERAL ENERGY
REGULATORY COMMISSION

May 12, 2002

Ms. Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Re: Islander East Pipeline Company, L.L.C.
Docket Nos. CP01-384-000, CP01-385-000, CP01-386-000

Dear Secretary Salas:

Thank you for the opportunity to offer this letter in support of the proposed Islander East Pipeline project.

As a Connecticut business person, I believe that the Islander East Pipeline is a necessary component of a long-term strategy to ensure that Connecticut has an adequate supply of natural gas.

The demand for natural gas in this region is increasing rapidly. Besides being an efficient fuel it is also a very clean fuel, and converting to natural gas is one important way that we in Connecticut are protecting the environment.

Connecticut depends entirely on outside sources for its supply of natural gas, and the Islander East Pipeline will increase the reliability and flexibility of the interstate distribution grid that serves both Connecticut and New York. The time to expand this important distribution infrastructure is now—before we have an energy crisis—when it can be done thoughtfully and carefully.

I encourage you to approve the Islander East Pipeline to help us protect our future.

Sincerely,

Ms. Elizabeth Orsini
Fair Haven Woodworks
72 Blatchley Ave.
New Haven, CT 06513-4249

020614018 5.2

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GROUPS AND INDIVIDUALS 2

G2-1 Thank you for your comment.

GROUPS AND INDIVIDUALS 3

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April 9, 2002

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Mr. David P. Boergers, Secretary
Federal Energy Regulatory Commission
Room 1A, East
888 First Street, NE
Washington, D.C. 20426

RE: **Islander East Pipeline Company, LLC**
Docket Nos. CP01-384-000, CP01-385-000, & CP01-386-000

Dear Secretary Boergers,

Filed in conjunction with this letter is Tilcon's response to the Connecticut Siting Council's proceedings. My client believes its position with the Siting Council should be considered by your commission in evaluating the alternative uses of the rail line belonging to my clients.

Very truly yours, I am,

Stephen J. Anderson, Esq.
Eisenberg, Anderson, Michalik & Lynch
Tilcon Inc. & Branford Steam Railroad Company

020425.0130.2

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GROUPS AND INDIVIDUALS 3

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April 5, 2002

VIA HAND DELIVERY
S. Derek Phelps, Executive Director
State of Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: Docket No. 221
Algonquin Gas Transmission Company
Islander East Company, LLC
Our File No. 10510.6125

Dear Mr. Phelps:

The intervenors, Tilcon Inc. and Branford Steam Railroad Company ("Tilcon" and "Railroad") are affiliated companies. They are the owners and operators of a railroad system which extends from Tilcon's rock quarry in North Branford, Connecticut southerly to Long Island Sound at Pine Orchard in Branford, Connecticut. The affected portion of this rail system is depicted on the applicant's sketches, sheets 6-11. Tilcon and Railroad and their predecessors have owned and operated this rail system since at least 1914. Most of its north/south route is approximately fifty feet (50') wide. It is Connecticut's most active railroad, a train moves over it every one-half hour for ten to sixteen hours per day. It also carries the most tonnage of any railroad system in Connecticut.

This railroad system and its right of way were established to provide an economical and safe means of transporting Tilcon's stone to its Pine Orchard marine terminal transshipping facility. The crushed stone aggregate is transferred from the rail cars to barges and shipped to customers along the eastern seaboard. This railroad line is also used to ship crushed stone aggregate by rail to other Tilcon facilities and other customers. The rail system is extremely valuable and necessary for Tilcon's business. It is expected to continue to provide a transportation system to the Sound for at least the next one hundred years.

This rail system and its related train equipment are well maintained. It enjoys an exemplary safety record. Extreme care is used in its operation to protect the rights of its residential

neighbors. Visual screening and noise abatement of the train operation is presently provided by the ancient tree and other vegetative growth along the right of way. Islander East recognizes the important of this facility to Tilcon' business. In its January 14, 2002 report, Exhibit 1 hereto, at page 1, it states:

> "The BSRR rail operation is an essential element and integral part of the rock quarrying operation. The quarry operations cannot be sustained without railroad transport of the quarried stone. Consequently, BSRR facilities and equipment are extremely well maintained with maximum operational safety in place to ensure continuous operation of the stone hauling operation."

Despite all of the precautions employed by Tilcon and Railroad to prevent accidents, they occasionally occur. Trains weighing four million pounds derail and damage the track system and surrounding areas.

Tilcon and Railroad's ongoing maintenance and improvement projects require that the full width of the right of way be available to allow the restoration of tracks and other facilities or to allow the repair of derailments and spillage resulting from derailments.

The southerly portion of this system contains the marshalling yard where numerous rail cars are temporarily stored for shipment by the P&W railroad on the Amtrak Railroad system. See sketch 10. Large P&W locomotives and cars are regularly sidetracked in this area as well. The barge loading facility at the southerly terminus of the railroad is an extremely busy and congested work area. Scores of barges are loaded and shipped daily. There is ongoing maintenance of this loading facility, including the detention ponds located just east of the right of way. The dredged sediment from these ponds is transported to the area just north of the Amtrak main line for drying and disposal off site. Any pipeline facilities in this area would be at risk from rail operations and detrimental to Tilcon's operations. The terminal area is designed to only accommodate the business operations of Tilcon and Railroad. G3-1

G3-2 The voluminous material submitted by the applicant does not provide sufficient information about the exact location and construction details of the proposed pipeline. A white line has been drawn on the sketches and labeled "Pipeline". There are no accurate surveys for the Tilcon and Railroad properties. Certain structures, e.g. valves, H.D.D. (drilling location) are depicted in a general way. No construction schedules have been established or provided.

G3-3 A review of what little substantive information has been furnished indicates that the applicant intends to permanently install its pipeline system on the Tilcon and Railroad property between what it calls milepost 6 to milepost 10.1, approximately four (4) miles. The installation of this pipeline in the general area depicted on the applicant's sketches will preclude Tilcon and Railroad from the full utilization of its right of way. Improvements and routine maintenance will be thwarted and hindered by the location of the pipeline system. Tilcon requires the unfettered ability to use the entire width of the right of way in the operation and maintenance of the rail system. The intended construction and maintenance of the pipeline along the railroad tracks poses serious safety concerns. The right of way is too narrow to accommodate the railroad operation and the pipeline!

G3-1 As stated in section 2.3.6.1 of the FEIS, the proposed pipeline would be designed, operated and maintained to meet or exceed the safety standards established by the DOE in 49 CFR 192. In addition, the engineering analysis submitted with your comment letter analyzed the potential stresses placed on the pipelines from operation of the railroad. It concluded that if constructed as proposed, the pipeline would be out of the stress and vibration envelope caused by operation of the railroad. Thus, operation of the railroad would not affect the pipeline. Our staff engineers have reviewed this study and concur with its findings.

G3-2 See sections 2.3.2.5 and 3.8.3.2.

G3-3 See section 2.3.2.5.

G3-4 The various above ground structures placed along the right of way, and even the pipeline itself, are possible objects which will be damaged by future derailments or other train accidents. The occupation of the railroad right of way of the applicant's workers and equipment could force a

G3-5 shut down of rail and quarry operations. The "HDD" drilling site could be occupied for as long as a year which could effectively close the barge operation and create an untenable business condition for Tilcon.

G3-6 In short, the pipeline and the railroad cannot safely co-exist on this narrow, single purpose piece of property! There are better, safer and less invasive options available to the applicant for its pipeline.

Very truly yours,
Tilcon Inc. & Branford Steam Railroad Company

By Stephen J. Anderson, Its Attorney

3

GROUPS AND INDIVIDUALS 3

G3-4 The pipeline would be installed pursuant to the requirements of 49 CFR 192. The DOT may impose additional requirements for construction, operation and maintenance within or parallel to railroad rights-of-way.

G3-5 Applicant would be required to develop site-specific plans for construction along the railroad. See section 3.8.3.2.

G3-6 See response to comment 4.

The remainder of the comment, a railroad collocation impact/safety analysis, was an attachment that was reviewed and can be found at http://www.ferc.gov/ferris.htm DOC 2269253.

ROBERT W. KOHLUS
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4 ELMS LANE
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FEDERAL ENERGY
REGULATORY COMMISSION

(631) 929-7204

April 25, 2002

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, D.C. 20426

Re: Docket Nos. CP01-384-000
and CP01-387-000

Dear Ms. Salas:

I am submitting the instant letter for the purpose of commenting upon the findings and conclusions contained within the Draft Environmental Impact Statement (DSEIS) referable to the above-indicated docket numbers, particularly that portion of the proposed project designated as the "Calverton Lateral". In my opinion, there are certain flaws in the analysis and conclusions contained therein, as well as oversight of significant facts and relevant information.

COUNTY PARK VARIATION (MP CA 1.1 to CA 1.9)

At pages 10 and 11of my July 19, 2001 letter to the Commission, it was urged that some modification be made to the proposed pipeline route to mitigate both potential tree loss and the impact upon adjoining property owners on Elms Lane. Although such a modification was considered (County Park Variation), it was rejected by the DEIS (pages 4-40 to 4-42). Even though the DEIS concludes that the variation would result in no net reduction in tree loss, it is also significant that the variation would not result in any additional loss of forest land to clearing than the original proposed route. According to the DEIS, both the proposed route and the County Park Variation would require the clearing of 3.3 acres of forested land during construction. Yet, the DEIS recommends against the variation primarily because approximately 0.7 acre of the 3.3 acres along the County Park Variation would occur within the Central Pine Barrens core preservation area (CPA).

G4-1 While it is laudable that the DEIS seeks to minimize the impact upon the CPA, some consideration should also be given to the impact of adjoining property owners. The impacts upon these two potentially conflicting interests should be weighed and balanced against one another. However, in analyzing the County Park Variation and comparing it

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GROUPS AND INDIVIDUALS 4

G4-1 The County Park Variation has been revised in section 4.4.7 to avoid the planned Spring Meadow subdivision. However, this variation is not recommended in lieu of a recommendation for the Calverton State Route 25 Route Alternative in section 4.3.8 in order to avoid impacts to the Meadowcrest and Spring Meadow subdivision.

ROBERT W. KOHLUS
ATTORNEY AT LAW

G4-1 with the proposed route, it appears that there has been no consideration, let alone weighing, of the impact of the two routes upon the adjoining property owners on Elms Lane. It is submitted that the County Park Variation would significantly mitigate the impact of the proposed pipeline upon adjoining residential property owners, while having no practical impact upon either the CPA or the underlying purpose for which the CPA was created.

G4-2 Both the proposed route and the County Park Variation traverse Suffolk County parkland, and both routes appear to result in a comparable area of disturbance thereto. Both routes also appear to traverse the CPA for comparable distances in a west-east direction until they each enter upon Suffolk County park land. The primary difference between the two routes is that the County Park Variation proceeds an additional 400 feet south from MP CA1.1, although it does so along and adjacent to an existing electric transmission line right-of-way. It appears that the 400 feet adjoining this powerline right-of-way is where the 0.7 acre of clearing within the CPA occurs. Yet, the DEIS recomends against the same, despite its proximity to an already existing right-of-way (road/powerline), which would constitute only an expansion of an existing cleared corridor. Ironically, the DEIS favors the proposed route over the Calverton Lateral Route Alternative (MP CA0.5 to CA3.3), in part, for the very same reason it rejects the County Park Variation.

The Calverton Lateral Route Alternative (MP CA 0.5 to CA3.3) would cross less forestland (0.2 mile), cross no portion of the CPA and be 0.6 mile shorter than the proposed route. In recommending against said alternative, the DEIS claims that the impact that the proposed route would have upon the CPA is minimized by its construction adjacent to an existing powerline right-of-way, stating in pertient part:

> "Although the Calverton Lateral does cross about 0.9 mile of Central Pine Barrens CPA, all but 300 feet of this crossing is adjacent existing cleared right-of-way (road/powerline). Therefore, except for 300 feet, construction would only expand an existing cleared corridor." (See DEIS, page 4-29)

There is a glaring dichotomy in the manner in which the DEIS analyzes the County Park Variation and the Calverton Lateral Route Alternative. On the one hand, the DEIS finds it preferable that the proposed route should intrude almost a mile into the Central Pine Barrens CPA: it recommends against the Calverton Lateral Route Alternative, despite the fact that the alternative route would cross no portion of the CPA, that it would cross less forested land and that it would provide a shorter route. On the other hand, the DEIS recommends against a much less intrusive and minimally invasive

GROUPS AND INDIVIDUALS 4

G4-2 The Calverton Lateral Route Alternative has been discussed in section 4.3.7. However, this alternative has not been recommended in lieu of a recommendation for the Calverton State Route 25 Route Alternative in section 4.3.8.

ROBERT W. KOHLUS
ATTORNEY AT LAW

G4-2 County Park Variation even though the variation proposes to extend the pipeline route for only another 400 feet along the very same powerline right-of-way that the DEIS found so compelling a vehicle for ameliorating the impact of siting 0.9 mile of the proposed route within the CPA.

G4-3 It appears that the DEIS has applied different standards in assessing the impact of the proposed route versus route variations and/or alternatives thereto; it appears that a higher or more difficult standard is being applied to suggested variations and alternatives. An inexplicable incongruity arises between the two DEIS findings and recommendations - that construction along the 0.9 mile intrusion into the Central Pine Barrens CPA adjacent to an existing powerline right-of-way "would only expand an existing cleared corridor", while extending that pipeline another 400 feet south from MP CA1.1 along that very same powerline right-of-way is characterized as "increased terrestrial impacts and additional tree clearing". Examining other aspects of these routes in assessing the objectivity of the findings and recommendations made by the DEIS leads to the conclusion that its recommendation against the County Park Variation is arbitrary and erroneous – that the DEIS has incorrectly applied different or more stringent standards in assessing the impact of said variation.

G4-4 With respect to the Calverton Lateral Route Alternative, the DEIS notes that there are 12 residences within 50 feet of the construction right-of-way thereof. Yet, in assessing the County Park Variation, no mention is made as to the impact that the proposed route would have upon intended home sites within a proposed subdivision known as "Spring Meadow". During FERC's inspection of the proposed route last fall, the undersigned advised the site inspection team that there was a pending application before the Town of Brookhaven Planning Board for subdivision approval for a parcel of property through which a portion of the proposed pipeline route is supposed to run. That parcel of property lies between an existing subdivision known as Wading River Acres and another existing subdivision known as Wading River Estates. Attached and annexed hereto is a copy of a subdivision survey map depicting the road configuration within the proposed subdivision (A more detailed survey map depicting subdivided property lots has been filed with the Town of Brookhaven Planning Board), designated thereon as "Section One". All required environmental impact statements and public hearings pertaining thereto have been completed and a determination thereof is shortly anticipated.

The Spring Meadow subdivision application seeks approval for 75 home sites thereon. Upon information and belief, anywhere from 50 to 75 home sites could be approved by the Town of Brookhaven Planning Board. The import thereof is that anywhere from 6 to 12 homes within the Spring Meadow subdivision would undoubtedly fall within 50 feet of the proposed pipeline right-of-way. While the site inspection team

G4-3 See response to comment 1.

G4-4 A discussion of the Spring Meadow subdivision has been added to the FEIS in section 3.8.2.1. See response to comment 1.

ROBERT W. KOHLUS
ATTORNEY AT LAW

G4-4 was apprised thereof, the DEIS fails to mention the same and provides no insight as to how the proposed pipeline route would impact upon homes to be built within the affected area of the Spring Meadow parcel. The undersigned also advised the site inspection team that a modification to the proposed route (similar to the County Park Variation) could obviate or lessen the impact upon homes to be built within the Spring Meadow subdivision. Similarly, while none of the seven existing residences on Elms Lane and

G4-5 Deerfield Drive in the Wading River Acres subdivision would fall within 50 feet of the pipeline right-of-way, they would, nevertheless, be in close proximity and sight of the proposed pipeline right-of-way. The site inspection team was urged to consider that a modification to the proposed route similar to that of the County Park Variation would mitigate the impact of the project upon those residential sites. Unfortunately, the DEIS fails to mention, let alone assess, the same in its analysis, conclusions and recommendations.

G4-6 In assessing the Calverton Lateral Route Alternative, the DEIS notes that, in some areas, the construction thereof would remove all tree screening between some residences adjacent thereto and an existing powerline. This is certainly an important consideration – a consideration that is equally important to residential property owners along the Proposed Route. At page 5 of a letter dated July 19, 2001 from the undersigned to the Commission, it was noted that there is no existing electric transmission line between the proposed electric power generating plant in Calverton that the pipeline is to exclusively service and the main Long Island Power Authority (LIPA) power grid. It was further noted at page 11 of undersigned's July 19, 2001 letter that there is a very real possibility that the proposed pipeline right-of-way might also be used and expanded for

G4-7 use as the right-of-way for an unsightly electric transmission line connecting the proposed electric generating plant to the main LIPA power grid. That letter further noted that, in conversations with Islander East's representatives, the latter could not rule out its use for the same.

In the presence of the site inspection team, the undersigned once again raised the issue of the pipeline right-of-way subsequently being used as the right-of-way for an electric transmission line connecting the proposed electric generating plant to the main LIPA power grid. Once again, Islander East's representatives confirmed to the site inspection team that they had no knowledge as to the placement of the connecting transmission line and that they could not rule out that the pipeline right-of-way would be used for such a purpose. The undersigned pointed out to the site inspection team that the same criteria used for determining the ultimate location of the pipeline route would also likely be used in determining the siting of the right-of-way for any electric transmission line connecting the proposed Calverton electric generating plant to LIPA's main power grid – that the pipeline right-of-way would inevitably become the right-of-way for the connecting transmission line as well. The undersigned further advised the site inspection

G4-5 See response to comment 1.

G4-6 See response to comment 2.

G4-7 We do not agree that the development of an electric transmission line is "inevitable" if the pipeline is installed in this area. Any routing of future electric lines would be reviewed by the state. Regardless, we have recommended the Calverton State Route 25 Route Alternative.

ROBERT W. KOHLUS
ATTORNEY AT LAW

G4-7 team that such a transmission line would, from an esthetic viewpoint, adversely impact upon existing homeowners on Elms Lane and Deerfield Drive in Wading River Acres and would likely negatively impact upon property values of those residential sites, as well as upon future residential sites in the proposed Spring Meadow residential subdivision.

G4-8 In the undersigned's letter of July 19, 2001, it was requested that the Commission either restrict the pipeline right-of-way from being used as an electric transmission line right-of-way or that the proposed pipeline route be modified so as to be routed further to the south (See page 11 of letter of Robert W. Kohlus, dated July 19, 2001). Since there is a strong likelihood that the pipeline right-of-way would also be utilized for constructing a connecting electric transmission line, the undersigned reiterated to the site inspection team that the proposed route be modified and be re-routed further to the south for the purpose of mitigating the impact upon adjoining property owners of any unsightly electric transmission lines. Unfortunately, the DEIS omits any reference as to the placement of the connecting electric transmission line or the probability of said transmission line being sited on the pipeline right-of-way. Nor does it assess the impact thereof upon adjoining property owners. Likewise, the DEIS fails to analyze the County Park Variation mitigating the impact of these unsightly transmission lines upon adjoining property owners.

G4-9 Ironically, at page 4-29 of the DEIS, the resultant impact of the Calverton Lateral Alternative Route (north of Route 25A) in requiring the removal of tree screening between some of the adjacent property owners and an existing powerline was a significant consideration in recommending against said alternative. While esthetic concerns of exposing said property owners to the unsightliness of a powerline were carefully and correctly considered, this consideration does not appear to have been consistently applied throughout the DEIS analysis. In assessing the County Park Alternative at page 4-40, the DEIS totally fails to address this very issue and its impact upon adjoining property owners, despite an articulated concern by property owners that the pipeline right-of-way will almost certainly become the site of the right-of-way for the connecting electric transmission line. Surely, property owners adjoining the Proposed Route are entitled to the same type of consideration in mitigating potential impacts. The fact that the DEIS fails to do so leads to the inescapable conclusion that differing standards are being arbitrarily applied.

G4-10 Another factor considered by the DEIS in recommending against the Calverton Lateral Route Alternative (north of Route 25A) was that the short-term impacts of noise and fugitive dust from the construction "could cause annoyance" (See page 4-29 of DEIS). At pages 10 and 11 of the undersigned's letter to the Commission dated July 19, 2001, similar concerns were raised with respect to long-term use of the proposed pipeline right-of-way by off-road vehicles and the ensuing noise and dust that would result there-

G4-8 See responses to comments 1 and 7.

G4-9 See response to comment 7.

G4-10 Potential dust-related impacts are discussed in section 3.8.2.2 of the FEIS. An expanded discussion of construction noise impacts associated with pipeline construction has been added to section 3.11.2.2 of the FEIS.

ROBERT W. KOHLUS
ATTORNEY AT LAW

G4-11 from. The undersigned reiterated these concerns to the site inspection team and further pointed out the unattractive degradation that has already occurred to the existing LIPA right-of-way that is to be utilized for a portion of the proposed route. For those reasons, the undersigned urged in his July 19, 2001 letter to the Commission, and again reiterated to the site inspection team, that the proposed route be modified in a manner similar to the County Park Variation. Unfortunately, while these considerations were found to be relevant on a short-term basis in the DEIS recommending against the Calverton Lateral Route Alternative (north of Route 25A), they appear to have played no part in its assessing the long-term effects thereof in its evaluation of the County Park Variation. Thus, once again, different standards appear to have been arbitrarily applied in analyzing the proposed route and alternatives and variations thereto.

While the undersigned does not take issue with the recommendation against the Calverton Lateral Route Alternative (north of Route 25A), the DEIS should have consistently applied the same criteria in evaluating the County Park Variation. If it had, the DEIS would have surely recommended that the County Park Variation be adopted for similar reasons that it recommended against the Calverton Lateral Route Alternative (north of Route 25A). In recommending against the Calverton Lateral Route Alternative (north of Route 25A), the DEIS clearly considered and weighed the impacts that said alternative would have upon adjoining property owners and balanced the same against disadvantages of the Proposed Route. It determined that the substantial disturbance to the Central Pine Barrens CPA (0.9 mile), the additional forest land crossed (0.2 mile) and the additional length (0.6 mile) of the Proposed Route was more acceptable than disrupting adjoining residential property owners along the Calverton Lateral Route Alternative (north of Route 25A). Yet, in evaluating the County Park Variation, the DEIS does not even mention, let alone weigh, the mitigating effects that said variation would have upon adjoining residential property owners.

G4-12 The focus of the DEIS in evaluating the County Park Variation was limited to possible tree loss and disruption to the Central Pine Barrens CPA (see page 4-40 of the DEIS). There was no consideration of disadvantageous aspects and disruptions of the Proposed Route upon adjacent residential property owners versus the mitigating effects thereto by the County Park Variation. It is submitted that the failure to consider the same, particularly when they were important considerations in evaluating the Calverton Lateral Route Alternative (north of Route 25A), was and remains a serious flaw in the analysis of the County Park Variation in the DEIS. While potential tree loss and disruption to the CPA should be important factors in this analysis, they must be balanced against the impact to adjoining residential property owners. Quite clearly, they were not. In quantified terms, there would be no net additional tree loss with the County Park Variation, while any disruption to the CPA would be de minimus.

G4-11 See response to comment 1.

G4-12 See response to comment 1.

ROBERT W. KOHLUS
ATTORNEY AT LAW

G4-12 Considering those factors analyzed by the DEIS, there would be no significant disadvantage or negative impact caused by the County Park Variation. At the same time, the negative impacts of the Proposed Route upon adjoining residential property owners would be substantially ameliorated or mitigated by the variation thereto. In evaluating tree loss or the clearing of forestland, the DEIS significantly found that both the Proposed Route and the County Park Variation would result in the same amount of forestland being cleared (3.3 acres). Thus, the County Park Variation would result in no additional tree, thereby leaving potential disruption to the CPA as the only possible disadvantage of the County Park Variation. However, in carefully analyzing this purported disadvantage, the conclusion that should be reached is that it is not meaningful or significant.

G4-13 Although both the Proposed Route and the County Park Variation result in the clearing of 3.3 acres of forest land, 0.7 of the 3.3 acres in the County Park Variation occur within the CPA (see page 4-40 of DEIS). This might otherwise be significant, except that further analysis (not done by the DEIS) establishes to the contrary. Much of the 3.3 acres of forest land to be cleared along the Proposed Route from MP CA1.1 to MP CA1.7 lies within Suffolk County Park land. Likewise, much of the 3.3 acres of forest land to be cleared along the County Park Variation from MP CA1.1 to MP CA1.7 would lie either within either the Suffolk County Park land or the CPA. The CPA was created specifically for the purpose of protecting the underlying underground water aquifer from which much of Long Island's drinking water is obtained. The Suffolk County Park land, through which the Proposed Route would travel and where the 3.3 acres of forest land would be cleared, also overlays the very same underground drinking water aquifer protected by the CPA. In fact, the park land in question was acquired by the County of Suffolk within the past year under its groundwater preservation program to protect the very same watershed or underground aquifer protected by the CPA. Thus, the CPA and the Suffolk County Park Land have been preserved for identical reasons.

Consequently, that 0.7 acre of the 3.3 acres of forest land to be cleared along the County Park Variation lies within the CPA is of no practical significance. Both the CPA and the Suffolk County park land are preserved for the very same purpose to protect Long Island's primary underground drinking water aquifer. Whether the forest land protecting both the recharge area and the aquifer lying thereunder lies on Suffolk County Park land or within the CPA should make no difference; the forest land over either area serves as a recharge area for the drinking water aquifer that it overlies. Thus, the fact that 0.7 acre of the forest land to be cleared lies within the CPA is nothing more than a proverbial "red herring". The 3.3 acres of forest land to be cleared along either the proposed route or the County Park Variation serve the very same function. For this reason, it should make no difference in the DEIS analysis whether the 3.3 acres lie solely within Suffolk County Park land or lie partially within the CPA.

G4-13 See response to comment 1.

G4-14 Seemingly, the only meaningful consideration in determining the viability of the County Park Variation is whether Islander East should be required to incur the cost of approximately 400 feet in additional pipeline for the purpose of mitigating the potential impact of the project upon adjoining residential property owners. Considering that Islander East will ultimately derive a continuing economic benefit therefrom dictates that a positive recommendation as to the County Park Variation should have been made in the DEIS as the best way of mitigating the impact of the project upon adjoining residential property owners.

G4-15 Thus, the recommendation against the County Park Variation was erroneous and without a properly rational basis. Its analysis, findings and conclusions with respect to the County Park Variation have been subjectively made. Rather than objectively applying the same standards it had applied in its evaluation of the Calverton Lateral Alternative Route (north of Route 25A), the DEIS arbitrarily applied a different or more stringent set of standards in evaluating the County Park Variation. The same or similar factors germane to both were evaluated inconsistently. Had the DEIS considered the same or similar factors and applied the same standards thereto in its analysis and evaluation of both the County Park Variation and the Calverton Lateral Alternative Route (north of Route 25A), the DEIS should have issued a favorable recommendation as to the former.

G4-16 Consequently, the recommendation by the DEIS as to the County Park Variation should be rejected by the Commission. In its place, the Commission should direct that the proposed pipeline route be modified to incorporate the County Park Variation.

CALVERTON STATE ROUTE 25 ROUTE ALTERNATIVE (MP37.8 - MP CA5.6)

G4-17 Despite the fact that the Calverton State Route 25 Alternative would be 0.7 mile shorter than the Calverton Lateral Proposed Route, despite the fact that the entire length of the Route 25 Alternative would be adjacent to an existing right-of-way and despite the fact that 2.1 miles of the Proposed Route would not lie adjacent to an existing right-of-way, the DEIS recommends against the clearly superior alternative. In so doing, the DEIS again arbitrarily applies different or more stringent standards in evaluating the alternative than it does the Proposed Route. Additionally, it also employs inconsistent or contradictory information in its analysis, thereby rendering its evaluation, findings and recommendations highly suspect.

G4-18 In evaluating the Calverton Lateral Alternative (north of Route 25A), the DEIS notes that the Proposed Route has no existing residences within 50 feet of the construction right-of-way (See page 4-29 and Table 4.3.5-1 at page 4-31). Yet, only a few pages later, the DEIS contradictorily notes that the Proposed Route does have at least

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G4-14 The analysis of the County Park Variation does not compare costs.

G4-15 See response to comment 1.

G4-16 See response to comment 1.

G4-17 Section 4.3.8 has been revised to recommend the Calverton State Route 25 Route Alternative in order to avoid impacts to the new Meadowcrest and Spring Meadow subdivisions.

G4-18 Thank you for your comment. These discrepancies have been corrected in the FEIS. May's Farm/Meadowcrest is addressed in section 3.8.2.1.

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G4-18 1 existing residence within 50 feet of the construction right-of-way (See page 4-33 and Table 4.3.6-1 at page 4-34). Likewise, the DEIS inconsistently notes that the Proposed Route crosses only 0.9 mile of the Central Pine Barrens CPA (See page 4-29 and Table 4.3.5-1 at page 4-31), while several pages later, the DEIS reflects that fully1 mile of the Central Pine Barrens CPA is to be crossed by the Proposed Route (See page 4-33 and Table 4.3.6-1 at page 4-34). Obviously, these discrepancies, though small, provide no reassurance that the findings, analysis and conclusions contained therein are representative of any degree of accuracy. In fact, they call into question whether the DEIS was conducted with that necessary degree of care that would lead one to accept the conclusions and recommendations therein.

Considering that approximately six months have elapsed since the site inspection team conducted its inspection and made its observations, it is troubling that the DEIS notes only 1 "existing" residence within 50 feet of the construction right-of-way for the Proposed Route. Yet, it notes that the Proposed Route would cross 12 home building sites through a new residential subdivision (May's Farm) currently under construction (See page 4-33). At the time of the site inspection, there were perhaps a couple of homes either under construction or completed at the subdivision site. Presently, there are at least 16 homes thereat that are either completed or under construction, with excavations having been made for several more. Should approval be given for the pipeline project, many more months will elapse before the pipeline is actually laid. Given the rate of construction at the Mays Farm subdivision, the same will likely be close to being fully "built out" by the time the pipeline is constructed thereat. Although the 12 home building sites noted at page 4-33 will be likely to have homes constructed thereon, the DEIS provides no information as to whether those residences would be within 50 feet of the construction right-of-way. Some, and perhaps all, of the 12 homes will fall within 50 feet of the construction right-of-way.

G4-19 The proximity of home sites at the May's Farm subdivision to the pipeline right-of-way along the Proposed Route should have been of considerable importance in the DEIS's analysis. This becomes readily apparent when it is considered that the DEIS recommended against the Calverton Lateral Route (north of Route 25A) because 12 existing residences fall within 50 feet of the right-of-way thereof (See pages 4-29 to 4-31). Significantly, the DEIS noted that some of those 12 residences would suffer the loss of tree screening of an existing electric powerline. Yet, the right-of-way that would run through the 12 home sites at the May's Farm subdivision is also very likely to become the situs of the connecting electric transmission line between the intended electric generating plant at Calverton and the main LIPA power grid. Unfortunately, the DEIS fails to address this very salient issue.

G4-19 See comment responses 17 and 18. See section 3.8.2.2 regarding power lines. Tree screening is addressed in section 3.8.5.2.

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April 25, 2002
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G4-20 Surely, residential homeowners within the May's farm subdivision are entitled to the same consideration that homeowners adjacent to the Calverton Lateral Alternative (north of Route 25A) received in the analysis by the DEIS. Yet, any disruption and the possibility of unsightly electric transmission lines (most of the home sites at the May's Farm subdivision do not have trees to screen homeowners from the sight of transmission lines) have either been glossed over or left unaddressed by the DEIS. Left unsaid in the DEIS's analysis is that utilizing the Calverton State Route 25 Alternative would mitigate both transitory and permanent impacts upon residential homeowners at the May's Farm subdivision. At the same time, the Calverton State Route 25 Alternative would have a relatively minimal impact upon the Central Pine Barrens CPA.

Since the State Route 25 Alternative would run adjacent to existing roadway and/or powerline right-of-ways for its entire length, it would merely expand an existing cleared corridor in much the same way that the Proposed Route makes one mile incursion into the Central Pine Barrens CPA along an existing powerline right-of-way. In fact, this was the very rationale for the DEIS's preference for the Proposed Route over the Calverton Lateral Alternative Route (north of Route 25A), even though the Alternative Route (north of 25A) crossed no Central Pine Barrens CPA whatsoever. In balancing the potential impact of the Alternative Route (north of Route 25A) upon 12 adjacent homeowners, the DEIS obviously determined that the disturbance to 1 mile of CPA and additional disturbance caused by the longer Proposed Route was preferable to the impact upon the homeowners. It should also have similarly balanced any disturbance and negative impacts to homeowners along the Proposed Route against any perceived disadvantage of the State Route 25 Alternative.

Unfortunately, the DEIS did not consistently apply the same considerations in its analysis of the State Route 25 Alternative as it did in analyzing the Lateral Alternative Route (north of Route 25A). The affected homeowners in the Mays Farm subdivision will most certainly be impacted to a far greater degree by the Proposed Route than the homeowners adjacent to the Lateral Alternative Route (north of Route 25A). Unlike homeowners adjacent to the Lateral Route Alternative (north of Route 25A), the pipeline right-of-way along the Proposed Route will actually traverse the properties of those homeowners in the Mays farm subdivision. Additionally, it may well become the route of choice for the connecting electric transmission powerline. Future homeowners in the proposed Spring Meadow subdivision will likewise be similarly affected, since the Proposed Route also would run through proposed home sites thereat (unless, of course, the County Park Variation is utilized to mitigate the impact thereon). Unless Suffolk County is able to purchase the Spring Meadow property as additional parkland, there very well may be residences thereon by the time pipeline construction commences thereat.

G4-20 See responses to comments 7 and 17.

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G4-21 Utilizing the very same factors and considerations deemed germane to the analysis of the Lateral Alternative Route (north of Route 25A) and applying the same to the evaluation of the State Route 25 Alternative, the only objective conclusion to be reached is that the State Route 25 Alternative is superior to the Proposed Route. The State Route 25 Alternative mitigates both transitory and continuing impacts to home sites adjacent to the Proposed Route with relatively minimal disturbance to forestland and the CPA. Instead, the DEIS applies different or more stringent standards in evaluating the State Route 25 Alternative than it did in evaluating the Proposed Route. There is an inexplicable inconsistency in the manner in which the DEIS evaluated each route. By reason of this arbitrary approach as to the respective routes, the recommendation against the State Route 25 Alternative should not be approved. Instead, it is urged that the Commission reject the Proposed Route in favor of the State Route 25 Alternative.

THE NO ACTION OR POSTPONED ACTION ALTERNATIVE

G4-22 For those reasons set forth at pages 1 through 5 in the undersigned's letter of July19, 2001 to the Commission, it is submitted that denying that portion of the application as to the Calverton Lateral Route or postponing action thereon would be the most appropriate course of action. There is an open question as to whether LIPA will purchase or be obligated to purchase any electrical power from the plant that the pipeline is intended to service. According to LIPA authorities, the existing power grid in the vicinity of the proposed electric power plant will already be at capacity and will be unable to carry any additional electric power therefrom. Since LIPA authorities have stated that LIPA will not upgrade the existing power grid to accommodate additional electrical power from the proposed electric power generating plant, there is a real question as to whether LIPA can be compelled to do so. Since there is currently no connecting electric transmission line between the proposed electric power plant and the existing power grid, there is also an outstanding question as to where the same would be sited. Additionally, since LIPA authorities have indicated that they have no responsibility for constructing a connecting electric transmission line, there is an outstanding question as to who would be required to construct the same.

In applying for permission to construct its pipeline, Islander East assumes that there will be an electric generating plant that will utilize the natural gas that the Calverton Lateral pipeline is intended to transport. However, as of this writing, there has been no approval given by the Town Board of the Town of Riverhead for the construction of an electric generating plant at the Calverton site. Instead, questions have been raised as to whether the operation of an electric power plant thereat would be consistent with other uses to which the Town of Riverhead wishes to put surrounding property at the site and whether the same would dissuade potential users that the Town is desirous of attracting

G4-21 See response to comment 17.

G4-22 FERC agrees that the availability of an electrical generating plant at the Calverton site is not a foregone conclusion. The proposed action in this FEIS includes the Calverton Lateral because it is a component of the activities within FERC's jurisdictional review, and because it would be improper of FERC to segment this action for the purposes of NEPA review. Inclusion of the Calverton Lateral in the NEPA review process does not constitute approval of a Certificate. Additionally, if the Calverton Lateral were a component of a Certificate approved by FERC, this does not imply that a power plant should, or would be built at the Calverton site. If the power plant is no longer proposed or not constructed, the Calverton Lateral would not be built.

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G4-22 thereto. Thus, it is not a fait accompli that approval for the plant will be granted.

Thus, for all the foregoing reasons, that part of the application concerning the proposed Calverton Lateral Pipeline should be denied or the approval thereof postponed.

CONCLUSION

The most appropriate action would be to deny the application or to postpone action thereon. Alternatively, if the Commission makes a positive determination as to that part of the application pertaining to the Calverton Lateral pipeline, modifying the same to incorporate the State Route 25 Alternative or the County Park Variation would best mitigate the potential negative impacts thereof.

Very truly yours,

Robert W. Kohlus

enc.

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May 6, 2002

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street NE Room 1A
Washington, DC 20426

Re: Docket Nos. CP01-384-000
And CP01-387-000

Dear Ms. Salas:

This office represents Mr. Robert Strecker who is the developer of Meadowcrest IV at Settlers Landing in Wading River, New York. Meadowcrest IV a development of forty-seven (47) upscale single family homes which is to be devastated by the Calverton Lateral of the Islander East Pipeline.

The development is nearly sold out with the location and improvements of the various homes having already been determined with many of the homes under construction or completed.

This letter is intended to state several facts regarding substantial errors in the EIS that has been filed in this matter which it is believed render the EIS and this proceeding defective and void on several grounds.

According to the EIS the Calverton Lateral is planned to cross what is identified as an undeveloped parcel of property, which is identified as Mays Farms near MP CA 2.0. The EIS states that "the Islander East proposed route through the area would cross 12 home building sites within the development" (p. 3-89).

The EIS continues to state that only one home is within 50 feet of the construction right of way, and that the pipeline will cross 12 home building "sites, following property lines" (p. 4-33) and that "depending on construction timing, residents could be impacted by

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noise, dust, increased traffic levels, and/or traffic delays." (p.4-33).

G5-1 The EIS contains a misleading diagram of the pipeline cutting through the subdivision in a direct route on page 4-32, and the EIS Appendix B also in error shows the pipeline at the point of M2P running in a northeasterly direction through a vacant field which does not exist.

The development is presently nearly sold out with the location and improvements of the various homes having already been determined with many of the houses under construction or completed.

G5-2 Contrary to what is represented in the EIS, there is no route available through the subdivision, on property lines or otherwise, which would accommodate either the fifty (50) foot permanent right of way or the seventy-five (75) foot temporary construction easement. The entry of the pipeline into any part of the
G5-3 subdivision or even alongside the subdivision would result in the loss of many homes and of the access to and accessory structures belonging to many other homes in the subdivision. The pipeline
G5-4 would also cause a major disruption in the lives of the families that are involved.

We wish to respectfully bring to your attention that the only reason for the pipeline to enter the subdivision is the unusual and illogical route that was unexplainedly selected. The easement for the Calverton Lateral begins in an existing utility easement in Shoreham. The route after following the easement and an access road then drops south and crosses Route 25A, a major roadway with several existing utility easements and which could easily accommodate the Islander East easements.

The lateral then after heading in a southern direction for about one thousand (1,000) feet turns to the east and heads through residentially zoned fields until it reaches the south western corner of the Meadfowcrest subdivision. The pipeline then heads in a northeasterly direction diagonally across the subdivision, and back to the same 25A which it crossed a few thousand feet before, then following the 25A and another roadway to reach its destination.

G5-5 The turn off the existing utility easement as well as the crossing and avoidance of 25A only to meet and then use 25A after cutting through the subdivision are two extremely unusual parts of the project which are not explained in the EIS. That feature of the

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G5-1 We are recommending a route alternative that would avoid the Meadowcrest subdivision.

Regarding Appendix B, the map is based on current USGS topographic maps and shows the geographic information encoded on these maps. These maps are updated periodically, but they don't show recently built structures.

G5-2 The construction and permanent right-of-way can be narrowed for short distances through areas where the built environment limits available workspace. Usually, in the circumstances you describe an alternative construction method, such as stove pipe construction, would be used since it can be accomplished in a narrower construction right-of-way. (See section 2.3.2.2 for a description of this construction method.) Also, narrower permanent rights-of-way may be appropriate under certain instances. This having been said, section 4.3.8 of the FEIS has been revised to recommend the Calverton State Route 25 Route Alternative in order to avoid impacts to the Meadowcrest subdivision.

G5-3 No residences would be lost as a result of construction of this project. Any sheds, fencing or similar structures would be moved temporarily during construction. But they would be replaced during right-of-way restoration. Also see response to comment 2.

G5-5 EIS as well as the failure to properly describe the Meadowcrest IV subdivision are substantial defects in the EIS.

In addition to the faulty description of the project and its effect on residential property owners, the brief discussion that
G5-6 is given as to alternatives is now also improper as the discussion regarding alternatives was made in comparison with going through a vacant field at Mays Farm, which doesn't exist anymore.

G5-7 Due to the number of people that will be affected by the plan and the substantial impact that it will have on them that has not been disclosed by the Commission in the EIS, it is respectfully stated that for the Commission to proceed with hearings and a decision based on the defective plan would be prejudicial and against public interest and policy.

It is requested that based on this new and corrected information that the Commission should require an amendment to the project and the EIS and additional notification as appropriate and then schedule public hearings and a comment period after that amendment and notification are completed.

We have also enclosed comments by an environmental engineer with respect to the project and the EIS and these comments as well as this letter will be supplemented during the comment period.

Thank you for your consideration in this matter.

Sincerely,

Joseph W. Prokop, Esq.

cc: Robert Strecker

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G5-4 Pipeline construction is disruptive to the residents and communities where it occurs. See section 4.3.8 for an alternative that would avoid disruption to the Meadowcrest subdivision.

G5-5 See section 3.8.2.2 of the FEIS for a revised description of the project in this area. Section 4.4.8 has been developed to discuss construction along 25A.

G5-6 Section 4 of the FEIS has been revised to include the new information on the Meadowcrest subdivision.

G5-7 Thank you for you comment. We believe that the FEIS has been updated with all currently available information and that it has been analyzed sufficiently in the FEIS.

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NP&V

TECHNICAL REVIEW OF THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT

ISLANDER EAST PIPELINE PROJECT

OEP/DEER/Gas Branch 2
Islander East Pipeline Company, LLC

Wallingford East Pipeline Company, LLC.
Docket No. CP01-384-000

Algonquin Gas Transmission Company
Docket No. CP01-387-000

Submitted to: Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First St., N.E., Room 1A
Washington, D.C. 20426

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Date: May 6, 2002

NP&V
Nelson, Pope & Voorhis, LLC
Environmental and Planning Consultants

1.0 INTRODUCTION

Nelson, Pope & Voorhis, LLP (NP&V) has reviewed the Draft Environmental Impact Statement (DEIS) for the above referenced project, pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations for implementing NEPA [Title 40 Code of Federal Regulations (CFR) Parts 1500-1508] and the Federal Energy Regulatory Commission's regulations (Title 18 CFR Part 380). Based on our review of the submitted document we feel that there are a number of issues which need clarification relating to potential environmental impacts that are not fully disclosed or analyzed, as well as alternatives which warrant analysis. This document provides a point-by-point review of the items for which we request a response:

2.0 TECHNICAL ANALYSIS OF THE DEIS

Section 2.2, Land Requirements, Subsection 2.2.1, Onshore & Table 2.2-1

G5-8 Based on a review of Table 2.2-1, it appears that the applicant will be seeking approval of a new right-of-way for the portion of the Calverton Lateral section between MP 1.15 to MP 2.72. Please discuss if this is the case or if an existing right-of-way presently exists along this section.

Section 2.6, Permits and Approvals & Table 2.6-1

G5-9 Page 3-63, paragraph 6 states that the proposed pipeline would affect approximately 133.8 acres of land within the designated boundaries of the Central Pine Barrens (CPB) (including both the Compatible Growth Area and Core Preservation Area) and that 77 acres of forested land would be cleared within the CPB. It appears that construction within this region would require application submittals to and approvals issued by the Central Pine Barrens Joint Planning & Policy Commission, the regional entity that maintains jurisdiction over this protected watershed area pursuant to Article 57 of the New York State Environmental Conservation Law (ECL). Please discuss what applications will be made to the Commission and what approvals will be necessary to accommodate construction of the pipeline in this sensitive environmental region.

Section 3.8.2.2, Environmental Consequences, p. 3-89, Site Specific Issues

G5-10 The DEIS acknowledges that a new residential subdivision, identified as "May's Farm", is planned or currently under construction along the proposed route of the Calverton Lateral section of the pipeline (p. 4-33). The DEIS further discusses that depending on the construction timing, residents could be impacted by noise, dust, increased traffic levels and or traffic delays. However, the DEIS does not recognize that the May's Farm subdivision is a completed residential community of approximately 47 single-family residences. Based on a review of the DEIS it is apparent that the pipeline will cross lots of existing residences and may be placed

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G5-8 Thank you for your comment. Section 2.2 of the FEIS has correctly indicated all right-of-way overlap as well as any areas where new right-of-way would be acquired.

G5-9 Sections 2.6 and 3.8.2.2 of the FEIS have been modified to include this information.

G5-10 Section 3.11.2.2 of the FEIS has been updated with information concerning expected construction noise levels and impacts. These noise levels are typical of construction noise for a wide range of project types, including construction of residential developments. Pipeline construction activity in any one area would be completed relatively quickly compared to construction of residential or commercial buildings. Given the ordinary nature of the construction noise, the relative short duration of construction activity, and the typical restriction of construction activities to daytime periods, we believe that the DEIS properly concludes that construction noise does not represent a significant environmental impact.

The extent of ground disturbance and the amount of construction equipment associated with pipeline construction generally is less than that associated with subdivision construction. The project area is considered to be in attainment of state and national air quality standards for particulate matter. Since the nature and magnitude of construction activities associated with pipeline construction are not unusual, we believe that the DEIS properly concludes that construction-related air quality impacts are not significant.

G5-10 inappropriately near individual homes. The placement of the pipeline in this alignment appears to be grossly irresponsible, and related impacts have not been sufficiently analyzed in terms of:

- Construction noise levels, locations, hours/days of operation and mitigation
- Construction worker parking, staging areas, access and total disturbance
- Dust control in arid farm field areas and impact on surrounding areas
- Air pollution impacts due to operation of construction/maintenance equipment
- Area restoration and future access/maintenance
- G5-11 Proximity to residents to allow an adequate safety buffer
- Potential impact on real estate property values

In section 2.2.1, page 2-3 the DEIS states:

> *"Following construction and restoration of the construction right-of-way, permanent right-of-way would be retained to provide access for operations and maintenance of the pipeline facilities and as a safety measure."*

G5-12 Please discuss how the applicant intends to mitigate potential impacts to the residents of the subdivision and maintain the proposed 50 ft right-of-way widths as well as the desired 50 ft right-of-way setbacks from individual homes that will afford an adequate measure of safety for which they are projected to provide. The

In addition, section 3.10.3, page 3-121 of the DEIS states:

> *"We require that an applicant initially identify all residences within 50 feet of the construction work area. From this information, we analyze the pipeline route with respect to: (1) how close in feet the proposed right-of-way is to the residence, and (2) other engineering constraints that may affect construction and the safety and welfare of residents. Special construction procedures, techniques and/or site specific mitigation measures are then identified to minimize the impact on residences potentially affected by construction, regardless of the income or minority status of the resident. Algonquin and Islander East have prepared site specific plans and proposed several mitigation measures to minimize construction impacts on 54 residential and commercial buildings located within 50 feet of the construction work area. The plans and mitigation measures are discussed in more detail in section 3.8.2.2".*

G5-13 A review of Table 3.8.2-1 in section 3.8.2.2 does not indicate any residences within 50 ft of the construction work area along the Calverton Lateral pipeline route even though a significant portion will traverse the existing May's Farm subdivision. Please discuss how the applicant will comply with the statements provided on page 3-121 of the DEIS and how they plan to include the new residences within the May's Farm subdivision in their mitigation plan for the pipeline. In addition, please provide specific plans and mitigation measures for the buildings within 50 ft of the construction area that are present along the pipeline route contained in the May's Farm subdivision. Information should include detailed analysis of: construction impacts as noted above (noise, dust, staging, activity and disturbance); setbacks; potential health, safety and welfare of residents, families and children; area restoration; future maintenance access; and impact on real estate property values. Of the impacts analyzed, residents and landowners that

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The proposed project does not include any agricultural operations near the subdivision. Consequently, dust from farming operations is not an issue relevant to this EIS. Dust in residential areas is discussed in section 3.8.2.2.

Sections 3.8.2 and 4 have been revised to include Meadowcrest.

G5-11 The pipeline would be constructed pursuant to 49 CFR 192 as stated in section 2.3.6.1 of the FEIS. These regulations address pipeline construction adjacent to structures and safety.

Property values are discussed in section 3.10.6.

G5-12 See responses to comments 2 and 11.

G5-13 Sections 3.10.3 and 3.8.2.2 have been revised. Proposed residences along the Calverton Lateral have been added to table 3.8.2-1 and would be treated the same way as any other residences within 25 feet of construction, if appropriate.

Site-specific plans for the residences and businesses within 25 feet of the construction right-of-way would be filed and become part of the record in this proceeding if the Commission issues a Certificate for the project. Typical residential impacts are described in section 3.8.2.2. If the Commission issues a Certificate for the project, then Islander East and Algonquin would be required by that certificate to construct the project as certified (see condition 1 in section 5.2 of the FEIS.) The applicants must construct the project in the way they have stated

G5-13 invest in land and locate their families in a rural area subdivision, are clearly the most aggrieved and affected parties to be analyzed and protected. The document should lend significant weight to the nature of the affected parties and sensitivity of receptors to the extensive adverse environmental impacts expected. Currently, the document does not disclose significant environmental impacts related to the project, nor is the discussion of these impacts incorporated into a DEIS such that full consideration of impacts, mitigation and alternatives is capable of being made as part of the public review process.

Section 3.10.3, Employment and Income, p. 3-120, Property Values and Land Issues

G5-14 This section also states that, "The effects that a pipeline easement may have on property values could be negotiated between parties during the easement acquisition process". Given the irresponsible proposed location of the pipeline as related to undisclosed potential impacts, this proposed method of dealing with Property Values and Land Issues is clearly too late in the process. The installation of the pipeline should be fully analyzed vis-à-vis actual impacts, and mitigation proposed, or an alternative advanced that minimizes the potential environmental impacts to the maximum extent practicable.

G5-15 Within this and other sections of the DEIS the applicant indicates that if an easement agreement cannot be negotiated with the landowner and the project has been certified by the Federal Regulatory Energy Commission, the company may use the right of eminent domain to obtain the area required for the right-of-way. With regard to the May's Farm subdivision, does the applicant intend to exercise this right possibly resulting in the condemnation of single family residences to obtain the lands required for construction of the proposed pipe line and right-of-way areas.

Section 3.11.2.2, Environmental Consequences, p. 3-125, Noise

G5-16 This section is woefully inadequate in terms of the impact of construction on the existing noise environment. The section does not consider the number of residences to be affected by significantly elevated construction noise levels, by omitting the May's Farm residences from the analysis. The Brookhaven Noise ordinance is stated to only restrict hours of construction activity; however, this must not be taken to mean that no noise impact will occur if construction occurs only during daytime hours. In fact, the proximity to the right-of-way, and the predicted noise levels within 300 feet of construction would indicate that there is a significant adverse impact, inconvenience and disruption in daily lives. The analysis should factor in the actual length of time of construction activity, and not rely on generalized statements referring to the short duration of construction. The expected noise levels within proximity to residents is inadequately disclosed and analyzed. Impact analysis should include location of construction activity, staging areas, worker area parking, and general increases in activity and disturbance associated with the project. The type of construction equipment, specific noise levels, areas of operation, during of use, and impacts must be disclosed and analyzed. The statement that "... construction plans would be coordinated with individual property owners ..." does not indicate

in their filings it would be built, using the approved mitigation measures and any modifications to those procedures the Commission may require.

The applicants would file site-specific plans for construction and restoration of properties where residences would be within 25 feet of the construction right-of-way. Site-specific plans where residences are within 25 feet of the construction right-of-way would include the distances between all construction workspaces, including staging areas (if any) and the pipeline. The site-specific plans would also include restoration of the property, including landscaping. These plans would be reviewed and approved by the Director of OEP prior to construction.

Safety is addressed in section 3.12. Property values are addressed in section 3.10.6.

G5-14 Property values are addressed in section 3.10.6. We have evaluated the proposed project's actual impacts and proposed or recommended mitigation to try to minimize impacts.

G5-15 See response to comment 3.

G5-16 See response to comment 10.

how activities will be coordinated, who will coordinate the activities, and what measures will be taken to reduce impacts. The conclusion that ". . . pipeline construction noise impacts are not considered significant." is unsupported and appears inaccurate based on the expected construction activities and insufficient detail on potential impacts and coordination to reduce impacts.

G5-17 The impact of future maintenance and associated noise, disturbance frequency and likelihood of access needs has not been considered in this section. Maintenance access, staging, equipment and impacts must be considered.

Section 4.3.5, Calverton Lateral Route Alternative (MP CA 0.5 to CA 3.3)

This alternative would reroute the proposed Calverton Lateral portion of the pipeline along an existing power line corridor north of NYS Route 25A to North Country Road where it would then turn southeast for approximately 0.5 mile where it would then turn south and cross NYS Route 25A and rejoin the proposed Calverton Lateral Route. According to the DEIS this alternative would be desirable in that it is shorter, follows along a greater extent of existing rights-of-way and cross less forest as well as agricultural lands. In addition, this alternative would also avoid approximately 0.9 miles of the CPA which would be traversed under the proposed pipeline route. The only impediments to this alternative stated in the DEIS are the proximity of several residents within 50 ft of this routes right-of-way and that the proposed route is relatively undeveloped with no residences within 50 ft of the planned construction right-of-way. In addition, while the applicant recognizes that both routes have environmental advantages and disadvantages it is stated that neither one is superior and therefore that the proposed route is
G5-18 acceptable. This conclusion is self-serving and not supported by the facts currently disclosed in the DEIS. Furthermore, this conclusion is inaccurate when the significant adverse environmental impacts associated with the May's Farm residential subdivision are factored into process as required by environmental quality review procedures and the information discussed in this review.

Specifically, analysis of this alternative does not fully consider the May's Farm residential subdivision located in the vicinity of MP CA 2 along the Calverton Lateral. It appears that since the residences, which are on approximately half-acre lots, would likely be within 50 ft of the proposed right-of-way criteria (which made the proposed alternative route presented undesirable) even if the pipeline and right-of-way were constructed parallel to existing lot lines. It appears that the author has ignored their own standard for selection of a preferred pipeline route and have not addressed the potential impacts to the residents of the May's Farm community. In addition, it also appears that since the DEIS recognizes that neither alternative is superior to the other, this
G5-19 would seem to suggest that either route would be equally acceptable. Please discuss how the applicant plans to mitigate potential impacts and/or hazards to these residents and provide consideration of all alternative pipeline routes that can potentially mitigate significant adverse environmental impacts, particularly to the May's Farm subdivision. Furthermore, please provide full supporting information as to why the proposed route is superior to the proposed alternative, or delete this inaccurate information from the record as the conclusion is unsupported.

GROUPS AND INDIVIDUALS 5

G5-17 Maintenance activities are described in the applicants' Erosion and Sediment Control Plan (ESC Plan). Also, pipeline maintenance requirements are required under 49 CFR 192. See response to comment 10. Future pipeline maintenance activities would be minimal in most years. Vegetation control in the right-of-way would include annual mowing. Tree trimming would generally occur no more than once every 3 years.

G5-18 See sections 3.8.2.2 and 4.3.5 of the FEIS for a revised description of the project in this area and for a revised alternatives analysis.

G5-19 See response to comment 18.

Section 4.3.6. Calverton State Route 25 Route Alternative (MP 37.8 to MP CA 5.6)

This alternative proposes to reroute the Calverton Lateral pipeline beginning at the William Floyd Parkway and NYS Route 25 interchange where it would then proceed northeast along NYS Route 25 until it rejoins the proposed route at MP CA 5.6. The alternative would minimize the length of the Calverton Lateral by 0.7 miles and maximize the existing rights-of-way by 1.4 miles. The disadvantages to this route are that it would cross an additional 1.6 miles of forested area and 2.4 mile more of the CPA than the proposed route.

Also as part of this alternative, the DEIS examined a variation to this alternative which would utilize an existing firebreak across Brookhaven National Laboratory BNL to avoid the May's Farm residential subdivision along the proposed Calverton Lateral route. However, the DEIS does not present any further investigation or discussion as to why this alternative would be acceptable or unacceptable.

G5-20 While it is recognized that this alternative would traverse a shorter section of the CPA the applicant again has neglected to apply his/her own standard regarding right-of-way setback limits to adjacent residences in favor of sparing vacant woodland areas. Please provide a discussion as to why preservation of forested areas in the CPA takes precedence over the protection of individual single family homes, particularly in view of the discussions in section 3.8.3, beginning on p-103 that provide justification of pipeline alignment within the Central Pine Barrens sensitive environmental region. There appears to be a double standard of using a potential impact to discredit an alternative, while using mitigation of the potential impact to justify the applicant's preferred location. Appropriate weighting of the impact on the adversely affected receptor should be factored into this analysis, with the acknowledgement that residents, families and children are subject to potential significant adverse environmental effects that are currently undisclosed.

G5-21 With regard to utilizing existing firebreaks as an alternative route, please provide a discussion as to why the rerouting of the Calverton Lateral through BNL has not been investigated further and provide a detailed discussion of this alternative as it also appears feasible and would further minimize impacts partially identified in the DEIS (though inadequately analyzed) and presented in this review.

3.0 ALTERNATIVES WHICH MUST BE CONSIDERED AS PART OF PUBLIC REVIEW

G5-22 Please provide a full analysis of an alternate route for the Calverton Lateral section of the pipeline which would utilize an existing right-of-way along NYS Route 25A approximately between MP CA 0.5 and MP CA 3. This alternative would appear feasible since sections of the pipeline already are proposed along this roadway and that desirable rights-of-way could be utilized. This route could be configured to avoid right-of-way setback limitations established by the author to mitigate impacts to residents, avoid sensitive environmental areas (i.e. CPA) and the May's Farm residential subdivision which would be significantly impacted by the proposed route.

G5-20 The Commission has no right-of-way setback limits. See response to comment 18.

G5-21 The firebreak variation has been discussed in section 4.3.8.

G5-22 See section 4.4.8 for a discussion of the State Route 25A variation. However, section 4.3.8 has been revised to recommend the Calverton State Route 25 Route Alternative in order to avoid impacts to the Meadowcrest subdivision.

4.0 Conclusions

In conclusion, it does not appear that the applicant has fully considered the impact that the proposed Calverton Lateral section of the pipeline would have on the new residential homes within the May's Farm subdivision. It is not readily clear how the applicant will be able to provide desirable and necessary right-of-way setbacks from residential homes which will be required for the proper maintenance and operation of the proposed pipeline. In several instances the applicant attempts to avoid residential areas by utilizing existing right-of-ways. However, in the case of May's Farm a route is selected which traverses the subdivision when other more acceptable alternatives are available that would mitigate impacts to single-family residences. The potential impact to Property Values is inadequate as the proposed resolution/negotiation of this issue is too late in the process, after the alignment is chosen.

G5-23 In addition, it does not appear that the author has fully assessed the alternatives discussed above and has not provided sufficient information or rationale as to why these alternative are inferior to the proposed layout of the Calverton Lateral section of the pipeline. Moreover, analysis appears to be slanted to support the applicant's preferred pipeline location. Adequate consideration of the potential impacts to future residents and property values, must be provided, particularly in view of other alternatives which would have substantially less impact on significantly affected parties.

G5-24 Of the impacts analyzed, residents and landowners that invest in land and locate their families in a rural area subdivision, are clearly the most aggrieved and affected parties to be analyzed and protected. The document should lend significant weight to the nature of the affected parties and sensitivity of receptors to the extensive adverse environmental impacts expected. Currently, the document fails to disclose significant environmental impacts related to the project, and the discussion of these impacts should be incorporated into a DEIS such that full consideration of impacts, mitigation and alternatives is capable of being made as part of the public review process. As a result, it is recommended that the DEIS be revised, and an additional comment period as well as public hearings be provided with full disclosure of this critical information, prior to the preparation of a Final EIS and subsequent Findings and decision on the project. Otherwise, the process is flawed by relying on a document that does not accurately or thoroughly address significant adverse environmental impacts as part of the public review process, prior to the preparation of the Final EIS which sets the stage for final decision-making with limited opportunity for public review and input.

G5-25 Based on a review of the DEIS it would appear that either one of the alternatives discussed would be preferable over the proposed Calverton Lateral pipeline route. In particular, it is requested that the potential BNL firebreak alternative be further investigated since it would likely result in reducing or completely mitigating the impact to a number of several issues of concern presented within the DEIS and further raised in this review.

Respectfully Submitted
Nelson, Pope & Voorhis, LLC
May 4, 2002

NPV
Nelson, Pope & Voorhis, LLC
Environmental and Planning Consultants

GROUPS AND INDIVIDUALS 5

G5-23 Additional discussion of alternatives to the Calverton Lateral are in sections 4.3.7, 4.3.8, 4.4.7 and 4.4.8.

G5-24 See response to comment 7.

G5-25 See response to comments 22 and 23.

CP01-384-000

May 7, 2002

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02 MAY 15 PM 4:29
FEDERAL ENERGY REGULATORY COMMISSION

Dear Sirs/Madams:

G6-1 As a member of the local ornithological community I must voice my serious concern, along with many other birders, as to the negative impact the pipeline would have on our indigenous and migrating bird population. In particular, disturbance of the wetland areas could displace species form this fragile habitat. For example last week I was pleased to identify an American Bittern , quite an uncommon bird in this area , feeding in the Tilcon marsh, just feet from the proposed pipline centerline flag.

G6-2 As a Branford Land Trust Member I am very concerned that the invasive plant species which would follow the pipeline work could wreak havoc on the bird populations which depends on established food supplies.

Sincerely,

Christopher R. Woerner
299 Thimble Islands Road
Stony Creek, CT. 06405

FERC DOCKETED

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GROUPS AND INDIVIDUALS 6

G6-1 Wildlife impacts are addressed in section 3.4.

G6-2 See comment 22 in letter F3.

May 8, 2002

Members of FERC

G7-1 I beg to differ with the assumption that "the 3000 acres of sea floor would be temporarily affected by the trenching" as stated in section 2.2.2 page 2-8. I do not think that the supporting documentation submitted by IE addresses adequately this matter. They describe the Lay Barge (2.3.3.1) as typically being 400 ft long by 120 feet wide. They state and I quote "They are moored in place and propelled by winches attached by cable to an array of large anchors. "The lay barges (they don't say how many) to be used on the IE Project may have between 8 and 12 anchors, each approximately 15 feet wide" .The anchors are designed to penetrate several feet into sea floor sediments to gain hold when the cables are tensioned. I quote "The maximum extent of the mooring anchor array would be "Approximately" 2,500 feet to the front and back of the barge and approximately 2,000 feet to either side. As the lay barge advances, tugboats lift the anchors from the sea floor and reposition them at half-mile intervals in the direction of movement. The lay barge changes position relative to the anchors as the cables are taken up and let out". Based on the fact that there is 22.6 miles of crossing and the anchors are moved every half mile one can calculates that the number 8/10 anchors times the wideth and several feet deep to determine that approximately 675 holes will be created by each barge. Then there is the Bury Barge, which can vary in size but typically 400 feet long by 120 feet wide that's barge number 2 and then there is the Dredging Barge, which will also be used in shallow water, and it is usually 250 feet by 75 feet. All with anchors or spuds (supporting legs).

G7-2 In section (2.3.3.2) the following: "The subsea plow is IE's preferred installation method to bury the pipeline beneath the sea floor" and "IE would use a bury barge equipped with a subsea jetting sled if plowing equipment is not available". Later on page 3-37 IE states, "Impacts related to sediments within the Sound can be quantified in both volumetric (three dimensional) and areal or lateral (two dimensional) terms. The majority of volumetric displacement of bottom materials would occur from construction of the trench by jetting, seaplowing or dredging. The method of trenching determines the quantity of sediments displaced, with dredging causing the least displacement and jetting the greatest." This section does describe allot of activity which moves silt and clays in creating a 25 feet or 40 feet or 50 foot wide trench depending on which method is being discussed. Sediment/Spoils would be displaced 25 feet on each side or 60 or 90 feet on one side depending on the method being used.

Given all this I ask the following:

G7-3 Where does IE think they are? In an open farm field on a calm day? Well they are not! They are in the midst of a CT Historic Land Mark "The Thimble Islands" which were formed by glacier movement millions of years ago. I am submitting the Registry document.

G7-1 Comment noted.

G7-2 Comment noted.

G7-3 Project impacts on marine life are addressed in section 3.4.2. The Thimble Islands are discussed in section 3.9 of the FEIS.

G7-3 They will be within yards of Brown's Reef and Branford Reef...one does not need to have a degree in marine biology/ecology to know that in the life of the water a Reef is a critical entity, simply turn on the National Geographic Channel or look at their magazine. Microorganisms and babies use the reef for protection and food...Are our Reefes so unimportant to the health and future of our fish and lobsters and shellfish.... I don't think so but there is little attention given to these reefs.

G7-4 We still do not have a confirmation as to whether blasting will occur and that adds another dimension to the environmental concerns

I am submitting a report of a conference, which was held last November in Long Island hosted by the Sea Grant Programs in New York & Connecticut under the auspices of Atlantic States Marine Fisheries Commission Steering Committee for Lobster Disease Research. There follows brief descriptions of 12 projects, which have been funded by Sea Grant for the express purpose of improving the health and life of the New England Lobster in Long Island Sound. I am not convince that this Subsea Plow or the Subsea Jetting Sled will contribute to the health and well being of those delicious red crustaceans
G7-5 who have suffered in the last few years. And mitigation to the lobstermen is a promise to perform the work during the wintertime which is a downtime for lobstermen but a crucial period in the life of the female lobster. I am submitting a research paper titled "Essential Habitats for Lobsters" by another well known Marine Biologists Robert S. Steneck, Ph.D. of the University of Maine, School of Marine Sciences, Darling Center; friend and colleague of Dr. Lance Stewart. This paper includes the following quote "For Lobsters, there is considerable research suggesting habitats supporting broodstock and those that serve as nursery grounds are most essential. Broodstock habitats include spawning areas and habitats lobsters use while their eggs develop externally on their abdomen. Rough handling during this phase can cause spontaneous abortion. Broodstock lobsters are most abundant in deep water and off shore locations especially in the winter." Lobsters select specific nursery grounds for settlement and studies have shown that their survivorship is greater in nursery grounds having specific architectural characteristics." Since coming to Stony Creek, I have been told that the Brown's Reef area was known as "the lobster nursery".

G7-6 Winter is also a great time to experience "Nor'easters" which also adds to the potential impact on these sensitive water habitats.

No, the IE Project is in more than an open field on a calm day and the potential impact is of grave concern to me.

Loretta Fox
15 Long Point Road, Stony Creek, CT

SUBMISSIONS:

GROUPS AND INDIVIDUALS 7

G7-4 Sections 3.1.1.2 and 3.1.2.2 discuss the onshore areas where blasting may be necessary and the potential impacts. Since issuance of the DEIS, Islander East has conducted site-specific investigations of the offshore area previously suspected of having shallow bedrock. These investigations reveal that blasting should not be necessary in this area. Section 3.1.1.2 and 3.3.3.2 of the FEIS discuss blasting and have been updated to reflect this.

G7-5 We believe that there is no preferred time of the year to carry out construction with regard to minimizing impacts to lobsters. However, we believe that use of the subsea plow to install the pipeline would minimize impacts to lobsters because the plow impacts a smaller area than other potential offshore construction methods and it would resuspend significantly less sediment than jetting. Additionally, use of anchor mid-line buoys would reduce cable sweep impacts to lobsters. Section 3.4.1.2 of the FEIS has been revised to include a discussion of the potential impacts to lobsters and lobster habitat.

G7-6 Thank you for your comment.

GROUPS AND INDIVIDUALS 7

1) United States Department of the Interior National Park Service
National Register of Historic Places Designation Papers
Stony Creek/Thimble Islands Historic District
November 14, 1988

2) The Face of Connecticut
People, Geology and the Land
Michael Bell
1985 – Reprinted in 1997
by Department of Environmental Protection
State Geological and Natural History Survey of Connecticut
Bulletin 110 Chapter 4, The Coast – pages 71-95

3) Long Island Sound Lobster Health Symposium Proceedings
Second Annual, November 29-30, 2001
Hosted by the Sea Grant Programs in New York & Connecticut under the auspices of the Atlantic States Marine Fisheries Commission Steering Committee for Lobster Disease Research

4) Essential Habitats for Lobsters
An essay for management consideration by:
Robert S. Steneck, Ph.D.
University of Maine, School of Marine Sciences, Darling Center

Richard A. Wahle, Ph.D.
Bigelow Laboratory for Ocean Sciences

Kari L. Lavalli, Ph.D.
Southwest Texas State University

14 August 1998

Raymond J. Gincavage
11 Whiting Farm Road, Branford, CT 06405

May 8, 2002

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First St., N.E. Room 1A
Washington, D.C. 20426

Re: Draft Environmetal Impact Statement Docket No. 221 Algonquin Gas Transmission Company and Islander East as it relates to running a 24 inch natural gas pipeline through Branford, CT.

Gentlemen:

G8-1 I am an affected landowner with regard to this pipeline in that it would run through my property. I vehemently oppose this project along with over 4,000 other people that have signed petitions indicating opposition. Why is there so much opposition in our area? Because the project was misrepresented from the start.

G8-2 Islander East has grossly misrepresented the nature of the proposed route of the pipeline describing it as an "industrial corridor." This is not the case. In Branford a good part of the pipeline route follows the right-of-way of the Branford Steam Railroad (BSRR), a private line used exclusively to move trap rock from North Branford to a marine loading facility. The majority of this route south of Route 95 is directly through prime residential areas with homes selling from $250,000 up through $1,000,000 and through land donated to the Branford Land Trust for the public to enjoy in an undisturbed state. This is far from an industrial corridor -- there is no other industrial activity in the area and local
G8-2 zoning ordinances preclude any new activity. The proposed route of the pipeline south from Route 95 to south of the Thimble Islands is probably one of the most environmentally sensitive and pristine areas of the State, not an industrial corridor!

BSRR has gone on record in correspondence to the Siting Council dated April 5, 2002 stating, "Visual screening and noise abatement of the train operation is presently provided by the ancient tree and other vegetative growth along the right of way." To
G8-3 many landowners the installation of the pipeline with its concomitant 50 feet of clearcut area would destroy the foliage barrier insulating residences from the railroad and therefore reducing property values because of the undesirable aesthetics and increased noise pollution from the train traffic.

G8-4 Islander East hired a railroad safety expert that claims that the pipeline can safely coexist with the railroad. The owners of the railroad disagree with the expert. Again I quote from BSRR's April 5, 2002 letter to you "In short, the pipeline and the railroad cannot safely co-exist on this narrow, single purpose piece of property! There are better safer and less invasive options available to the applicant for its pipeline." With the operators

GROUPS AND INDIVIDUALS 8

G8-1 Thank you for your comment.

G8-2 FERC agrees that the route, in its entirety, is not an "industrial corridor." Portions of the route do follow an existing private transportation right-of-way and border areas industrial and heavy equipment activities.

We agree that a portion of the pipeline route along the Branford Steam Railroad is located near residential areas, and we have accounted for each residence within 50 feet of the proposed construction work spaces in the EIS. In addition, because the pipeline would be within the corridor of the railroad, which is used for industrial purposes, we see no problem with characterizing the use traversed as industrial, regardless of the current town zoning classification in the area. Note that our requirements for construction in residential areas will apply to all residential areas, including those near the Branford Steam Railroad. Finally, we are not permitted to make special distinctions in our impact assessment based on the income classes of neighborhoods or value of homes; our assessment assumes that all residences are subject to equal consideration.

G8-3 Section 3.8.3.2 of the FEIS has been updated to address the issue of tree screening along the railroad. The permanent right-of-way will not require the full removal of the vegetative buffer at any point along the Branford Steam Railroad. Impacts to property values and the mitigation process are addressed in section 3.10.5.

G8-5 of the railroad expressing safety concerns, I have deep safety concerns for my family residing directly next to this corridor along with over one hundred children and teachers in the Whitewood School. When catastrophic failures occur on pipelines of this size, and they do occur, one thousand foot fireballs can result.

The Connnecticut Siting Council told me there is no regulation prohibiting routing of a pipeline so close to a school building. Well maybe it is about time we start using common sense and with the increase in the terrorist threat since 9/11 we should not create more of these very dangerous situations. It is criminal to have a potential bomb run so close to a building containing one hundred students and teachers!

Regarding the effects on Long Island Sound, if running pipelines and electrical cables across the Sound is so environmentally benign, then why are the companies constructing these facilities paying a handful of fishermen millions of dollars for hush money and inability to sue if their industries are damaged? These are public resources that are potentially being destroyed. Why should utilities be allowed to pay few companies large sums of money in exchange for being allowed to potentially destroy what is really a public resource? It is not right!

G8-6 We should be smart enough to learn from past mistakes. Some of the shellfish beds damaged by the installation of the Iroquois pipeline over ten years ago have still not recovered. Why not require an extensive marine study of the route that the Iroquois line takes across the Sound to accurately determine if these underwater crossings are environmentally damaging in the long term. You should make your decisions based on facts rather than best case assumptions made by the companies trying to ram these lines in to reap profits.

G8-7 The major conclusion that you come to in what I believe is a very superficial environmental impact study is that construction and operation of the proposed facilities would result in limited adverse environmental impact. The fact that there are any adverse effects should cause you to reject the project since there is another proposed project by Iroquois Gas Transmission System to service the same market that uses a pipeline that is already built with respect to Connecticut soil. No further damage to Connecticut would result from this alternative project. You have to admit that the environmental damage to Connecticut from the Iroquois project is insignificant compared to the potential damage that can be caused by the Islander East project. Or you could perhaps recommend to Islander East that they look into using the Iroquois right of way to minimize environmental damage and minimize disruption to the citizens of Connecticut.

G8-8 The construction of this pipeline in the proposed area would be a blatant rape of our environment and would put at risk the tremendous shoreline resources of our area. If Long Island needs the gas (one wonders if that is the case since Keyspan Energy had FERC approval to build the Cross Bay Pipeline and they decided not to build it and in addition is giving away free gas fired equipment on Long Island to increase gas demand)
G8-9 Iroquois is the clear choice if you are to minimize the impact on the economy and environment in Connecticut. Please do the right thing for Connecticut.

2

GROUPS AND INDIVIDUALS 8

G8-4 The engineering analysis submitted during the comment period analyzed the potential stresses placed on the pipeline from operation of the railroad. It concluded that if constructed as proposed, the pipeline would be out of the stress and vibration envelope caused by operation of the railroad. Thus, operation of the railroad would not affect the pipeline. Our staff engineers have reviewed this study and concur with its findings

G8-5 The pipeline would be designed, constructed, operated, and maintained in accordance with DOT safety standards specified in 49 CFR 192. These standards vary based on population density and are protective of all settings, including residential areas and schools. Pipeline safety standards are discussed in section 3.12.1 of the FEIS.

G8-6 Comment noted. Section 3.4.1.2 of the FEIS has been revised to include additional information on potential long-term impact to the seafloor as a result of pipeline construction.

G8-7 Thank you for your comment. The project objectives and end-users of the Islander East and ELI Extension Project are not the same. A separate EIS is being prepared for the ELI Extension Project. System alternatives for the proposed project are discussed in section 4.2.

G8-8 Potential adverse impacts to shoreline resources are identified and evaluated with associated recommendations in Chapters 2 and 3 of the FEIS.

G8-9 Thank you for your comment.

Thank you for your attention to this matter.

Sincerely,

GROUPS AND INDIVIDUALS 8

Paul and Jacqueline Vierling Huang
50 Island View Avenue, Branford, Connecticut 06405 Fax 203-483-1099 Phone 203-483-1011

May 8, 2002

Patrick Henry Wood III, Chairman
FERC
888 First Street, N.E.
Washington, D.C.

FILED
OFFICE OF THE SECRETARY
02 MAY 15 PM 4:44
FEDERAL ENERGY
REGULATORY COMMISSION

RE: Docket Numbers CP01-387-000 and CP01-384-000

Dear Chairman Wood:

This letter is written for the record.

G9-1

1. The Applicant Algonquin Gas Transmission Company is wholly owned by Duke Energy Corporation (NYSE symbol DUK). The Applicant Islander East is a Delaware limited liability company whose equal members are Duke Energy Corporation (DUK) and KeySpan Corporation, a holding corporation (NYSE symbol KSE).
2. **Here's a summary of KeySpan's (KSE) 2001 financials:**
   - KSE's Annual Revenue: $6,633,115.
   - Income after taxes: $ 243,692.
   - Dividend paid: $ 251,502 (@ $1.78.sh.)
   - Cash: $ 159,252
   - Total current assets: $1,998,487
   - Total current liabilities: $2,384,709
   - Total long-term debt: $4,697,649
   - Investment loses (1999 to 2001): $4,608,781 .
3. Please note that KeySpan paid out more in dividends than it earned in after-tax dollars.
4. KeySpan is currently trading at about $35 per share with a market capitalization of $4,996,000.
5. **With $160,000 in available cash, the Company does not have the money to build a pipeline.**

6. **Here's a summary of Duke Energy's (DUK) 2001 financials:**
   - DUK's Annual Revenue: $59,503,000
   - Income after taxes: $ 1,994,000
   - Dividend paid: $ 871,000 (@$1.10/sh).
   - Cash: $ 290,000
   - Total current assets: $ 9,545,000
   - Total current liabilities: $10,427,000
   - Total long-term debt: $12,321,000
   - Investment loses (1997 to 2001): $19,432,000
7. With a debt to asset ratio of 2.4 to 1, DUK's Board of Directors decided to continue to pay a dividend rather than reduce debt. The Company paid nearly half of its after-tax income to its shareholders.
8. DUK is trading at about $37 per share with a market capitalization of about $29,000,000.
9. **With $290,000 available in cash, the Company does not have the money to build a pipeline.**

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FERC DOCKETED

GROUPS AND INDIVIDUALS 9

G9-1 Thank you for your comment.

G9-1 It appears that as of today, the companies that are proposing this pipeline do not have the money to build it. Please see attached detailed financials on these companies.

G9-2 **So, why is FERC even considering this proposal from these companies?**

G9-3 Currently, there are three Natural Gas Pipelines proposed from Connecticut to Long Island and three Electric transmission cables for a total of six lines. Please answer the following questions:

A. How much energy can these six proposed lines supply annually?
B. How much energy does Long Island currently consume annually?
C. At what rate can the current suppliers increase supply to Long Island annually.
D. What percentage of the total energy supply would Islander East Pipeline Company provide to Long Island?
E. If all six proposed projects went online, would there be an energy glut on Long Island?

Thank you.

Respectfully yours,

Paul C. Huang

GROUPS AND INDIVIDUALS 9

G9-2 FERC considers all applications for pipeline projects if they are filed pursuant to our regulations.

G9-3 The Commission determines the need for proposed pipeline projects. A Preliminary Determination on Non-Environmental Issues (PD) was issued for this project on December 19, 2001. That document indicates that the project would be in the public convenience and necessity. See section 1.1 of the FEIS.

Paul and Jacqueline Vierling Huang
50 Island View Avenue, Branford, Connecticut 06405 Fax 203-483-1099 Phone 203-483-1011

May 7, 2002

Patrick Henry Wood III
Chairman
FERC
888 First Street, N.E.
Washington, D.C.

RE: Docket Numbers CP01-387-000 and CP01-384-000

Dear Chairman Wood:

This letter is written for the record.

G9-4

1. It is generally well known that the Operating Agreement of a Limited Liability Company (LLC) defines the operating characteristics of the LLC. Among these characteristics are: the Partners of the LLC define the operating life of the LLC; the Partners can, at any time, dissolve the LLC if and when a particular event occurs; the Partners can modify the Operating Agreement at any time for any reason; and the Partners can dispose of the LLC's Assets/Liabilities in any way they choose.
2. The **Applicants**, Algonquin Gas Transmission and Islander East Company, are LLCs.
3. Sec. 22a-92 (4) of the **Coastal Area Management Act** of Connecticut reads: "To resolve conflicts between competing uses on the shorelands adjacent to marine and tidal waters by giving preference to uses that minimize adverse impacts on natural coastal resources while providing long term and stable economic benefits;"
4. Since the **Applicants** can dissolve the LLC at any time for any reason, then it appears that the **Applicants** have a built-in mechanism to circumvent Connecticut Law. For, how can the **Applicants** provide "...long term and stable economic benefits" to the State of Connecticut if the **Applicants** can dissolve the LLC at will?
5. In the event of an explosion, fire, natural disaster, or any unforeseen adverse occurrence, what assurances do the People of the State of Connecticut have from the **Applicants** that they will NOT simply declare bankruptcy and leave the cleanup and repair to the People of Connecticut or to the People of the united States?
6. Additionally, sometime in the future, the life of the pipeline will end. At which point how can this blight on and under the beautiful shorelands of Connecticut provide *any* economic benefit?
7. What provisions, if any, have the **Applicants** made to address this future cleanup issue?
8. If no long-term provisions have been made by the **Applicants** to guarantee to the People of Connecticut that the State will NOT have to pay future cleanup costs, then this would be a clear violation of 22a-92(4)'s intent to provide long term and stable economic benefits to the People of Connecticut.
9. Since the advent of Gas and Electricity, a handful of energy Companies have adequately provided for the needs of an ever-growing Long Island.
10. However, since Deregulation, six (6) gas and electric lines from Connecticut to Long Island have been proposed.
11. In a free-market economy, competition is healthy and necessary. The negative side of this competitive aspect is that some companies will thrive while others will certainly fail.

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G9-4 Thank you for your comment.

G9-4

12. In view of the competition from the current and already approved energy suppliers from Connecticut to Long Island, as well as the existing suppliers on Long Island itself, what assurances can the **Applicants** provide to the People of Connecticut that it can survive in this intensely competitive market?
13. There is nothing to prevent the current and approved energy suppliers from increasing the supply to meet Long Island's demands. In fact, historically, these existing Companies have been able to meet gas and electric demands despite the failure of Nuclear energy on Long Island.
14. While it is clear that the **Applicants** are willing to risk failure in a business venture, should the People of Connecticut be a willing partner in this risky venture?
15. Since the People of Connecticut would not benefit from the Applicants' failure no matter how slight that chance of failure might be, then the State cannot and should not be involved in a risky energy-business venture.

Thank you.

Respectfully,

Paul C. Huang

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OFFICE OF THE SECRETARY

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FEDERAL ENERGY
REGULATORY COMMISSION

8 May 2002

The Honorable Magalie Roman Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E
Washington, D.C 20426

RE: Islander East Pipeline Project
Draft Environmental Impact Statement/ FERC/ - 0143D March

Islander East Pipeline Company, L.L.C
Docket No. CP01-384-000

Algonquin Gas Transmission Company
Docket No. CP01-387-000

Dear Secretary Salas:

Please accept this analysis of the Draft Environmental Impact Statement (DEIS) for the proposed gas transmission pipeline described in the application by Islander East, LLC.

I am a Duly Authorized Inland Wetlands and watercourses Commissioner in the Town of Branford. In addition, I am employed as the Deputy State Entomologist at the Connecticut Agricultural Experiment Station and am currently vice president of the Connecticut Botanical Society, former treasurer and 30 year member of the New Haven Bird Club, board member of the CT Ornithological Association, president and co-founder of the CT Butterfly Association, which additionally supports the preservation of dragonflies, member of the CT Herpetological League, member of the State of Connecticut Invasive Plant Work Group, member of Citizens of Branford's Environment, and advisor to The Branford Land Trust.

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FERC DOCKET

My analysis of the DEIS lies only in the scope of my expertise; I will leave engineering and other analysis to my colleagues.

My analysis of this DEIS is based on **Section 1-2, PURPOSE AND SCOPE OF THIS STATEMENT**. The FERC document was to be prepared to comply with the requirements of the National Environmental Policy Act (NEPA). Within this section FERC states its four principal purposes in preparing this EIS are to:

1. Identify and assess potential impacts on the natural and human environment that would result from the implementation of the proposed project.

2. Assess reasonable alternatives to the proposed action that would avoid or minimize adverse effects on the environment.

3. Identify and recommend specific mitigation measures to minimize environmental impacts.

4. Encourage and facilitate public involvement in identifying significant environmental impacts.

The DEIS fails to meet any of the four principles for the reasons discussed below.

1. Identify and assess potential impacts on the natural and human environment that would result from the implementation of the proposed project.

G10-1 FERC has failed wretchedly in this DEIS report concerning its first principal purpose. FERC has received a *Report and Recommendations by the Branford Blue Ribbon Commission* regarding the proposed Islander East Natural Gas Pipeline of the detrimental impact on the natural and human environment that would result from the implementation of the proposed project. In addition, FERC has received numerous letters and testimony from the Branford Land Trust, marine businesses that would be affected, and from citizens of our town. Descriptions of the destructive impacts on our towns' non-renewable wetlands, was submitted by scientists, the occurrence of state-listed nesting and migratory bird populations by a notable ornithologist, testimony of the permanent destruction of habitats and ecosystems by the proposed right-of-ways will have on this open space green corridor as well as data concerning our valuable shellfish, fishing and lobster beds have all been forwarded to FERC. Incredibly, the DEIS reports under Conclusions and Recommendations, that the Islander East Pipeline project would result in limited adverse environmental impacts based on all of the above mentioned reports and testimony and by two short, one day drive through visits that covered five Connecticut towns, and is labeled,

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G10-1 Thank you for your comment. See additional discussion below. All comments filed in this proceeding have been given appropriate consideration.

G10-1 unbelievably, as field investigations. FERC ignored this material, data and testimony from scientists, businesses, town officials, citizens, and the Branford Land Trust. With a few minor changes, the DEIS is essentially an official endorsement of Islander East's original application.

FERC reports, under environmental consequences (3.4.3.2), that the project would result in temporary and permanent alteration of wildlife habitat, as well as direct impact on wildlife such as disturbance, displacement, or mortality. In addition, the less mobile species, such as small mammals, reptiles, and amphibians and bird nests located in the proposed right-of-way, could be destroyed by construction activities. Although written testimony was sent to

G10-2 FERC with data on species which nest there that are state listed, they chose to not to accept or verify this data, and made no substantial mitigation changes in the Islander East application. In fact, the staff concludes that approval of the proposed project with appropriate mitigating measures as recommended, would have limited adverse environmental impact. The DEIS report has failed to identify and protect state-listed Endangered, Threatened, and Species of Special Concern that utilize this open space wetlands and forested buffer corridor along the Tilcon railroad. How can an environmental impact statement possibly be written without an inventory of the plants, birds, mammals, amphibians and reptiles that occur, nest and breed there and make up the environment. There is no mention of vernal pools or the impact on its inhabitants. Changes in hydrology by opening the forest canopy can kill the plants and animals in wetlands. Nor was there any field investigation completed to determine if any of the 7 state listed vernal pool species occur here. I question the scientific merit of such a document and perhaps the credentials and qualifications of those writing it.

G10-3 The DEIS failed to provide a plan of environmental mitigation that adequately protects these fragile ecosystems according to the standards set by the regulations of the Town of Branford's Inland Wetlands and Watercourse Agency (IWWA) and the State of Connecticut Department of Environmental Protection. The DEIS has accepted and approved Islander East's Wetland Construction and Mitigation Procedures although they do not even meet FERC's standards (3.74 VI.D.5) for all forested wetlands affected). This DEIS also ignores the fact that in 1985, The Clean Water Act incorporated a law of "no net loss" of wetlands, which federal agencies have taken to mean no loss of acreage or of ecological function. The accumulative effects across the country of wetland losses alone over the past decade add to significant loss of habitat. Although the rate of wetland destruction has slowed, nearly 1.2 million acres were lost during the 10 years ending in 1995 as reported by the Department of Interior in 1997. (Associated Press Story September 1997 –"Rate of Destruction Slowing " by H. Josef Hebert, Associate Press Writer).

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G10-2 An exhaustive inventory of flora and fauna potentially present in the project area is not within the scope of the EIS; typical species and endangered or threatened species are addressed in sections 3.4, 3.5, 3.6, and 3.7 of the FEIS. As stated in section 3.6 of the FEIS, Islander East has assisted the FERC in meeting Section 7 of the Endangered Species Act requirements by conducting informal consultation with the FWS and NMFS, and by reviewing endangered, threatened, and rare species databases maintained by the appropriate state Natural Heritage Program. As outlined in section 3.6.4.2 of the DEIS, Islander East consulted directly with the CTDEP regarding survey requirements for state listed species and conducted a survey for two of the 19 plant and animal species listed by the CTDEP. The CTDEP concurred that the project would not adversely affect any of the state listed species with the survey's findings. In addition, a discussion of vernal pools has been included in sections 3.6 and 3.7 of the FEIS.

G10-3 Islander East revised its original proposed crossing lengths and area impacts within the boundaries of the Branford Land Trust properties and submitted them to the Branford Land Trust on April 17, 2002. These revised crossing lengths and area impacts reduced the crossing length by 170 feet, reduced the area impacts by 49 percent, and reduced wetland area impacts by 25 percent. Islander East stated it met with the Branford Land Trust on April 28, 2002, to walk the pipeline route across Branford Land Trust properties and review construction workspaces in the field. Islander East reviewed with the Branford Land Trust representatives the original proposed construction workspace

2. Assess reasonable alternatives to the proposed action that would avoid or minimize adverse effects on the environment.

G10-4 I realize that the DEIS report was compiled in March and Iroquois Gas Transmission System filed a "Motion to Consolidate Proceedings and for Comparative Evidentiary Hearing" on 8 April 2002. I hope that this lack of information was the reason the DEIS report is so very biased toward the Islander East Proposal. Now that FERC has the Iroquois motion they can compare the merits of the two proposals. This comparison of reasonable alternatives that would avoid or minimize adverse effects on the environment for the final EIS is very important in the following ways:

a. It is important that the applications be consolidated to determine whether either or both projects are needed.

b. If they are mutually exclusive, which project will best provide the necessary service to the public with the least adverse impacts?

c. Although the Iroquois project may move gas to Long Island a year later than Islander East, FERC must take into account that energy that will be available to Long Island, within a month, by the approved Cross Sound Cable Co. And that California has solved its energy problem with conservation measures. It should also be noted that on the 7th of May 2002 the Connecticut senate unanimously passed HB 5609 creating a one year moratorium and study of energy transmission projects crossing Long Island Sound. FERC should honor this moratorium, allowing studies to determined how these energy projects will affect some of the finest shellfish beds on the eastcoast, as well as determine our energy needs and the environment cost to the citizens of Connecticut.

G10-5 d. FERC also needs to take into account the cumulative environment impact to Long Island Sound of multiple undersea projects.

G10-6 f. **The Iroquois project is clearly a superior alternative to Islander East** as the crossing of Long Island Sound is 5.5 miles shorter and this project would avoid shellfish beds along the Connecticut coast.

3. Identify and recommend specific mitigation measures to minimize environmental impacts

G10-7 FERC has been negligent in doing this with the Islander East project. There is a paucity of mitigation measures that differ from the original application. There are numerous small mitigation measures that are very important in the restoration of disturbed areas such as recommending native grasses, sedges and rushes to be planted in disturbed wetlands as opposed to rye grass. The DEIS does not even

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and right-of-way limits and newly modified construction workspace limits designed to decrease impacts on the Branford Land Trust properties.

As outlined in Section 3.7.2 of the DEIS, wetlands would be temporarily and permanently altered by the construction of this pipeline project, but no net-loss of wetlands would occur. Forested wetlands would be allowed to regrow after the project is completed within the temporary rights-of-way and extra work areas. In addition, our Procedures require that vegetation maintenance not be conducted over the full width of the permanent right-of-way in order to minimize the impact of the pipeline on forested and scrub-shrub wetlands. Forested wetland trees would be allowed to grow back within the permanent right-of-way, except for a 30-foot-wide corridor centered on the pipe that would be kept free of trees that are greater than 15 feet tall to facilitate periodic pipeline corrosion/leak surveys.

We have observed successful wetland restoration of forested wetlands from native seed stock and we concur that Islander East's plan to allow natural revegetation (a modification to our Procedures) is a reasonable approach to achieve revegetation of forested wetlands given that the original surface elevation is restored and tree stump-root complexes are preserved. However, in the event a permitting agency identifies the need for a site-specific forested wetlands revegetation plan, Islander East stated it would develop such a plan and consult with regional agencies for pertinent recommendations. The Corps of Engineers, for example, may require mitigation for the conversion of forested

G10-7 insist that the proposed Islander East project meet their own FERC standards in replanting forested wetlands. There are many ways to lessen the impact on rights-of-ways and construction. The DEIS appears to officially sanction the crossing of wetlands as opposed to uplands and the destruction of dedicated

G10-8 open space as opposed to disturbing a small section of a golf course where the original turf can be replaced daily as the pipeline gets laid. DEIS has ignored

G10-9 that fishing, lobstering and shellfish businesses may be more than temporarily disturbed, if contaminated soil settles in this area, perhaps killing invertebrates and smothering shellfish larvae.

G10-10 In section 3.4.2.2, under Environmental consequences (3-60) the DEIS states that in order to minimize disturbances to the nesting birds, no routine vegetation maintenance clearing would occur between April 15th and August 1 of any year. There is no designated time frame in the DEIS to protect nesting birds, nursing mammals or other breeding, lactating and immature species by prohibiting the pipeline from being installed during April 15th to August 1. This oversight would compound the mortality of immature species of birds, mammals, reptiles, and amphibians as the nursing and immature young would be abandoned and be incapable of caring for themselves. This time frame is an absolute critical time for wildlife species in Connecticut. Most mammal species mate in February and have a gestation period of about 63 days. Both birds and mammals have immature offspring that are entirely dependent on the sustenance and protection of their parents during this time frame from April 15th to August 1st.

G10-11 No construction work should be done in wetlands until late July, August and September, as they are drier and less susceptible to construction impacts.

4. Encourage and facilitate public involvement in identifying significant environmental impacts.

G10-12 FERC can have further meetings with the town of Branford when all reports are in and before the final EIS is adopted. We should see and approve the final EIS before it is adopted as well as be part of planning and agreeing to the final mitigation measures before any construction is started. FERC should inventory the species that will be impacted by any proposed gas pipeline project.

This DEIS report is premature, inadequate and incomplete

G10-13 This report is missing many studies, reports and data, and it is unfair to the citizens of our town that they are not available before the FERC hearing in our Town of Branford on 8th of May 2002, so that we might comment on them. Missing are the offshore contaminated sediment report and sediment deposition and other reports that were to be turned in by Islander East. This DEIS has insufficient data and does not allow the public to read and question FERC about

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wetlands to scrub-shrub wetlands. In New York, Islander East will avoid direct impacts to wetlands through the use of HDD methods.

As stated in section 3.7.2 of the DEIS, we believe that Islander East has minimized wetland impacts through the proposed route, the use of its ESC Plan and other proposed mitigation measures that would avoid or minimize potential impacts on wetlands.

G10-4 The decision regarding consolidation of projects would be made by the Commission. However, this document includes alternative routes that would use facilities proposed by Iroquois Gas Transmission System. See section 4.2 of the FEIS for details.

G10-5 Cumulative impacts are addressed in section 3.13 of the FEIS.

G10-6 Thank you for your comment. See section 4.2 of the FEIS for additional information.

G10-7 See response to comment 3.

G10-8 The reasons for not recommending the route variation that would impact the golf course are described in section 4.4.4.

G10-9 We have revised section 3.4.1.2 to discuss long-term impacts to shellfish beds that could result from pipeline construction. Islander East is working with marine businesses such as shellfish

G10-13 the impacts to our shellfish bed and fishing and lobster industry that may be contained in these reports.

G10-14 When FERC makes statements that the destruction of our wetlands and open space habitats in the long run will be insignificant, I fully disagree. I find it deplorable that FERC finds no significant impact by the proposed project but then states that recovery of temporary workspaces may take 25 to 150 years. The DEIS is premature and incomplete and should not have been published until all data was in, so that a scientific evaluation could be made.

Very truly yours,

Carol R Lemmon

Carol R. Lemmon
12 Coachman Drive
Branford, CT 06405

203 488-7813

cc: U.S. RepresentativeRosa DeLauro
cc: Attorney General Richard Blumenthol

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lease bed holders and representatives of lobstermen's associations to minimize impacts to these marine related businesses. Additionally, results of the offshore contaminated sediment report and marine dispersion study are now publicly available and the results of these studies have been incorporated into sections 3.3.3.2 and 3.4.1.2 of the FEIS.

G10-10 Pipeline construction would result in mortality of less mobile species including young of the year (see FEIS section 3.4.2.2). Construction timing windows may be established for Federal threatened or endangered species, if appropriate. However, because of the limited period in which construction occurs (typically less than one year), construction windows are usually not established for species that do not have protected status. Maintenance, however, is an ongoing process that occurs as long as the pipeline is operated. Therefore, we have maintenance requirements that limit right-of-way mowing between April 15 and August 1. We also prohibit annual mowing outside a 10-foot-wide strip centered on the pipeline. In that area, mowing may only occur every three years.

G10-11 We believe the proposed and recommended mitigation measures for wetland construction and restoration are adequate.

G10-12 It is unclear from your comment whether you are suggesting that the Town of Branford have a role developing mitigation in all project areas or only in Branford. Town of Branford representatives, and others, may decide to comment on the FEIS, but they have no approval status in a document prepared for a Federal action.

All comments on the DEIS have been reviewed and considered while this FEIS was prepared, even comments that were filed after the end of the comment period. Additional meetings are not proposed.

G10-13 All filings by Islander East are placed in the public record and are analyzed by FERC staff in the preparation of the FEIS.

G10-14 The DEIS did not state that the project impacts would be insignificant or that FERC finds no significant impact would result if the project were constructed. To the contrary, the DEIS and FEIS state that it would have limited adverse environmental impact meaning that impact would be adverse in some areas, but not adverse in all areas.

FERC Public Hearing Testimony
Response to Doc #CP01-384-000 and CP01-387-000
May 8, 2002

Good evening, my name is Kyle Nelson I am a lifelong resident of Branford, the Chairman of the Branford Shellfish Commission, Vice-Chairman for the Republican Town Committee, Member of the Branford Blue Ribbon Commission, husband and
G11-1 father of 2 children. I am here tonight to express my opposition to the Islander East pipeline project as a representative of all the above.

The negative impacts of the IE project on wildlife, fish, shellfish and Branford's limited open space bring me to one conclusion, Not in Branford!

G11-2 In their Draft Environment Impact Statement, this commission called for comments on alternatives. I ask this commission to consider the Iroquois ELI project as the better alternative to Islander East.

The Iroquois ELI project minimizes the environment both on land and sea here in Connecticut. Islander East would like you and the public to believe that the Iroquois ELI project would require looping and therefore greater environmental impact. This is an overstatement, as it assumes that the market need for Long Island is equal to the estimate used in the Islander East project. Iroquois' project estimates less demand and their proposal would serve that demand completely without looping. What is the real demand for energy? I am not sure, but I believe this commission has the responsibility to investigate that figure Allowing the applicant, Islander East's demand estimates go unchallenged when another company in the same industry has differing data is like having the fox in the hen house. This is imperative, because the Iroquois proposal will avoid much of the land impacts IE project has and will eliminate impacts to all but one shellfish lease area.

G11-3 The IE project will damage/destroy limited and valuable shellfish resources in Branford. Water quality has improved significantly in this area over many years in this area and the Town has invested millions of dollars in a new Sewer Treatment Plant to maintain that quality. Prior to July 2001, when a new recreational area was conditionally opened to the public, there was no recreational shellfishing in Branford. Since January 1st 2002 my commission has issued over 200 recreational shellfish permits and the summer has just started. Branford residents are and will enjoy this valuable resource which is a couple hundred yards from the proposed line. The pipeline will also directly pass through 174 acres of shellfish grounds under the Town's jurisdiction. While in deeper water, and not amenable to recreational shellfishing, these acres are a significant value to the town as lease grounds.

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G11-1 Thank you for your comment.

G11-2 System alternatives are addressed in section 4.2 of the FEIS. The Commission evaluates the need for pipeline projects as described in section 1.1 of the FEIS.

G11-3 We agree that mechanical dredging will impact shellfish lease beds off the coast of Connecticut. Section 3.4.1.2 of the FEIS contains an updated discussion of impacts, including the potential for long-term impacts to shellfish beds and the results of the sediment dispersion modeling. Islander East is working closely with potentially affected shellfish leaseholders and consulting with state and Federal agencies to minimize impacts to shellfish lease beds. Islander East proposes to use the subsea plow trenching method to install the pipeline through the shellfish lease beds where the water depth is > 20 feet. The subsea plow is the least destructive of the trenching methods. Additionally, Islander East proposes to perform the construction during winter months to avoid impacting shellfish spawning.

FERC Testimony - Kyle Nelson
Docket #s CP01-384-000 and CP01-387-000

G11-4 A major concern with this project is the destructive construction techniques proposed and the sediment disposition these methods will cause. Islander East has failed to fully account for the environmental damages caused by anchors and cable sweep, the Horizontal Directional Drill, bucket dredging, subsea plowing, and jet plowing methodologies.

Regarding anchors and anchor cable sweep, the Branford Blue Ribbon Commission asked IE in CT Siting Council Interrogatories to provide evidence that supports their claim that midline buoys would reduce sedimentation impacts for these anchors by 50%. To date, no evidence has been provided! Without evidence, Islander East reduces the offshore acreage impacts from 12K acres to 5K acres. Islander East needs to provide evidence to support this assumption.

Regarding the Horizontal Directional Drill:

1. IE has never attempted a land to sea exit HDD, yet the HDD is Islander East's primary means of avoiding impacts to leased shellfish beds.
2. IE has stated in their 1/15/02 FERC data response to question #4 that "soils containing random cobbles and boulders present a serious restriction of the feasibility of HDD". Yet the HDD in Connecticut is a go despite the presence of cobbles and boulders in 2 of 5 core samples taken off Connecticut's shore. Am I missing something? Why are Connecticut's cobbles and boulders not a problem for HDD, yet, Long Island cobbles and boulders restrict the use of HDD? Islander East has failed to address this fact.
3. IE has presented a proposed containment structure for the drill discharge. In their responses to CT Siting Council Interrogatories this containment structure is "1st of kind, developmental", i.e. it does not exist. Assuming it can build Islander East stated that it would contain 60% of the drill discharge. If it fails, the discharge could be as high as 6400 cubic yards. Islander East has not studied the disposition of this discharge and the environmental impacts of the worst case scenario.
4. The contingency plan for a failed HDD is bucket dredging from the CT shoreline to water depths of greater than 20 feet. This is unacceptable, as it will destroy all shellfish resources in the pipeline's path.

Assuming the HDD works, Islander East will still need to use a bucket dredge for a mile after the HDD exit point. Side casting the spoils in mounds over 11 feet high and 65 feet wide for the entire mile. Keep in mind that 5mm (approx. 2") of sediment will have destructive impacts on shellfish. Total sediment displacement for bucket dredging would be 239,400 cubic yards spread over 111,700 square yards. The negative impact on beds from this phase of the project has not been addressed in the Draft EIS.

Additional IE data regarding sediment disposition assumes that this 11 foot mound (showing above sea level at times) would not be displaced at all. Given the planned construction timeline for this phase of the project (Nov to March), IE wants us to believe that abnormal wave action and/or excessive winds would not occur as they did not

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G11-4 Potential impacts to the marine environment are addressed in sections 3.3.3.2 and 3.4.2 of the FEIS. We believe that information filed by Islander East supports their claim that mid-line buoys would reduce direct impact caused by cable sweep by approximately 50 percent.

Concerning the proposed HDD and the effect of cobbles and boulders in Connecticut, geotechnical borings have identified these materials in the 30 feet of overburden material overlying bedrock in the vicinity of the HDD exit point. For the vast majority of the drill route, solid gneiss and metaquartzite bedrock is present and it is expected that the HDD would be successful in this material. Islander East believes that, if necessary, it can negate the problems caused by cobbles and boulders by driving a surface casing through the 30 feet of overburden. We believe that this is a reasonable assumption.

The HDD containment structure and HDD contingency plan are addressed in section 3.3.3.2 of the FEIS.

Potential sediment dispersion impacts from storm events have been addressed in Islander East's computer modeling effort and are reported in section 3.3.3.2.

G11-4 factor these into their sediment disposition modeling. Does the name Northeaster ring a bell? Islander East must be required to factor in such adverse events in their modeling to provide a complete environmental impact for the project.

G11-5 The subsea plowing Islander East proposes will create a 25-foot trench and dislodge 504,400 cubic yards of sediment that "would be evenly distributed" to an average of 20.5 inches deep (remember 2" is detrimental to shellfish) across 50 foot corridor surrounding the pipeline. No bad considering the alternative jet plowing which would have an estimated sediment disposition of 661,982 cubic yards over 1900 foot corridor and leave and average of 3.9 inches at distances of 130 feet around the pipe.

To date, IE has not committed 100% to the use of the subsea plow to lessen environmental impacts. While Islander East prefers the subsea plow, they clearly state in their 1/15/02 FERC Data Response that "its use may still be limited by the availability of the equipment for the project". Since Islander East has failed to present anything to the contrary to date, the likelihood of the project using jet plowing instead of the subsea plow is a given, and a significant larger amount of sediment will be spread over a much larger area. Combined the dredging and jet plowing used will dislodge 901,400 cubic yards of sediment impacting over 3,208,800 square yards.

G11-6 Please note, in the Town of Branford's CT Siting Council Interrogatories, Islander East was asked to provide a copy of their sub-contracting plan. To date, no plan has been presented. Given that Islander East will not be performing the actual construction, how is the Town assured that the contractors used will be capable of meeting the parameters of the project. What safeguards exist should a contractor fail to meet project specifications?

G11-7 Shellfish beds will be destroyed. In Branford alone that represents over 174 acres of beds under the town's jurisdiction impacted by this pipeline. This figure does not include the private lease beds in town waters.

G11-8 When Islander East was asked to detail their undersea restoration plan, they said they would do nothing, as it would cause more damage than the construction itself. I agree, the damage this pipeline will create cannot be reversed.

The Connecticut shellfish industry has a rich history dating back to the 1800's, and is one of the worlds leading producers of oysters behind Japan. Such a valuable resource should not be destroyed.

G11-9 Environmental mitigation in not a financial deal with commercial shellfisherman. These offshore resources are the property of the State of Connecticut and its citizens and are not for sale. Islander East has validated the negative impact on commercial shellfish property in the pipeline's path, by entering $2 million dollar agreement with the leaseholder of a state bed (L-555). This agreement accounts for the 6 acres in lot L-555 impacted by the pipeline. Based on this price per acre calculation, estimated damages from beds under the Town of Branford's jurisdiction would total over $58 million, this

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G11-5 Use of the subsea plow is discussed, along with alternative construction methods, in section 3.3.3.2.

G11-6 We have a standard recommendation for applicants to file an Implementation Plan with the Secretary for review and written approval by the Director of OEP describing how all the mitigation requirements of a Commission Order will be implemented. See recommended condition number 6 in chapter 5 of the FEIS.

G11-7 Impacts on shellfish are addressed in section 3.4.1. of the FEIS.

G11-8 Thank you for your comment.

G11-9 The pipeline would traverse approximately 5,000 feet of shellfish beds leased to the Town of Branford. This would result in approximately 20 acres impacted from trenching, 128 acres impacted from cable sweeps, and less than 1 acre impacted from cable scars, or a total of 148 acres impacted.

Compensation is beyond the scope of our jurisdiction. We disagree that construction of the pipeline would permanently destroy the shellfish beds off the coast of Connecticut. Long-term impacts to shellfish beds are addressed in section 3.4.1.2 of the FEIS.

G11-9 figure assumes the beds can be restored to their original state. Based on previous pipeline projects (Milford), that is impossible. In the Blue Ribbon Commission Report the present value of these 174 acres is $878,543,228 given that construction would permanently destroyed these beds.

As I stated in the beginning, the conclusion for this commission is clear.

Not in Branford!

Respectfully submitted,

Kyle M. Nelson
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