

1 STATE OF CONNECTICUT

SITING COUNCIL

* * * * *

ALGONQUIN GAS TRANSMISSION COMPANY
2002

*

APRIL 11,

AND ISLANDER EAST COMPANY, LLC,
APPLICATION FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC
NEED:
221

*

(12:30 PM)

*

*

*

DOCKET NO.

*

ALGONQUIN GAS TRANSMISSION CO., PROPOSES
TO CONSTRUCT A NEW GAS COMPRESSOR STATION
JOHNSON AVENUE, ROUTE 10 AND
INTERSTATE 691 IN CHESHIRE, AND TEST AND
ITS EXISTING NATURAL GAS PIPELINE
CHESHIRE, WALLINGFORD AND
NORTH HAVEN

*

NEAR EAST

*

*

UPGRADE

*

*

*

*

- AND -

*

ISLANDER

*

EAST COMPANY, LLC, PROPOSES TO
CONSTRUCT A NEW METER STATION AT 67
LAYDON AVENUE IN NORTH HAVEN AND A
24-INCH DIAMETER NATURAL GAS PIPELINE AND
ASSOCIATED EQUIPMENT FROM NORTH HAVEN
THROUGH EAST HAVEN, NORTH BRANFORD,
BRANFORD, AND ACROSS LONG ISLAND SOUND
TO LONG ISLAND, NEW YORK

*

*

*

*

*

*

*

*

* * * * *

* * * * *

BEFORE: MORTIMER A. GELSTON, CHAIRMAN

BOARD MEMBERS: Brian Emerick, DEP Designee
Gerald J. Heffernan, DPUC Designee Colin C. Tait
Pamela B. Katz Edward S. Wilensky Daniel P.
Lynch, Jr. Philip T. Ashton Brian O'Neill

STAFF MEMBERS: S. Derek Phelps, Executive Director
Paul Aresta, Siting Analyst
Robert Golden, Assistant Attorney General

APPEARANCES:

FOR THE APPLICANTS:

CARMODY & TORRANCE
195 Church Street
P.O. Box 1950
New Haven, Connecticut 06509
BY: ANTHONY M. FITZGERALD, ESQUIRE

FOR THE PARTY, THE TOWN OF BRANFORD:

ELIZABETH P. GILSON, ATTORNEY
383 Orange Street
New Haven, Connecticut 06511

FOR THE PARTY, THE TOWN OF GUILFORD:

TYLER, COOPER & ALCORN, LLP
205 Church Street
P.O. Box 1936
New Haven, Connecticut 06509-1910
BY: CHARLES R. ANDRES, ESQUIRE

FOR THE PARTY, THE TOWN OF NORTH HAVEN:

UPDIKE, KELLY & SPELLACY, P.C.
One State Street
P.O. Box 231277
Hartford, Connecticut 06123-1277
BY: SCOTT N. KOSCHWITZ, ESQUIRE

FOR THE PARTY, ATTORNEY GENERAL BLUMENTHAL:
ROBERT SNOOK, ESQUIRE
Assistant Attorney General
55 Elm Street
Hartford, Connecticut 06106-1774

FOR THE INTERVENOR, IROQUOIS GAS TRANSMISSION SYSTEM:

BROWN, RUDNICK, BERLACK & ISRAELS
City Place I
Hartford, Connecticut 06103
BY: PHILIP M. SMALL, ESQUIRE

FOR THE INTERVENOR, SAVE THE SOUND, INC.:

LEAH LOPEZ, ATTORNEY
185 Magee Avenue
Stamford, Connecticut 06902

FOR THE INTERVENOR, TILCON & BRANFORD STEAM RR CO.:

EISENBERG, ANDERSON, MICHALIK & LYNCH
16 Saybrook Road
Essex, Connecticut 06426
BY: STEPHEN J. ANDERSON, ESQUIRE

FOR THE INTERVENOR, JUNIPER POINT ASSOCIATION:

EISENBERG, ANDERSON, MICHALIK & LYNCH
136 West Main Street
New Britain, Connecticut 06050
BY: CHARLES E. TIERMAN III, ESQUIRE

FOR THE INTERVENOR, REBECCA MARS

REBECCA MARS, Pro Se

FOR THE INTERVENOR, THE BRANFORD LAND TRUST:

WILLIAM HORNE, President

HEARING RE: ALGONQUIN GAS & ISLANDER EAST
APRIL 11, 2002 (12:30 PM)

1 . . . Verbatim proceedings of a hearing
2 before the State of Connecticut Siting Council in the
3 matter of Algonquin Gas Transmission Company and
4 Islander East Company, LLC for a Certificate of
5 Environmental Compatibility and Public Need, held at
6 Central Connecticut State University, Institute of
7 Industrial and Engineering Technologies, on April 11,
8 2002 at 12:30 PM, at which time the parties were
9 represented as hereinbefore set forth . . .

10

11

12 CHAIRMAN MORTIMER A. GELSTON: Ladies
13 and Gentlemen, this hearing is called to order this day
14 on Thursday, April 11, 2002 at 12:30 p.m.

15 My name is Mortimer A. Gelston and I'm
16 Chairman of the Connecticut Siting Council. Other
17 members of the Council here today are Brian Emerick,
18 designee for Commissioner Rocque, Department of
19 Environmental Protection; Gerald F. Heffernan, designee
20 for Commissioner Downes, Department of Public Utility
21 Control; Edward S. Wilensky; Brian O'Neill; Daniel P.
22 Lynch, Jr.; Philip T. Ashton; Colin C. Tait; and Pamela
23 B. Katz. Members of the staff here today are S. Derek
24 Phelps, our Executive Director; Paul M. Aresta, who is

HEARING RE: ALGONQUIN GAS & ISLANDER EAST
APRIL 11, 2002 (12:30 PM)

1 these leasehold beds, right?

2 MR. HARNEY: We want these beds to be
3 restored to preconstruction productivity.

4 MS. GILSON: Have you ever heard of such
5 a reconstruction successfully being carried out in
6 fact?

7 MR. HARNEY: The --

8 A VOICE: (Indiscernible) --

9 MS. GILSON: I just wanted -- he
10 testified on it and I'm just following up.

11 MR. HARNEY: Would you please restate
12 that.

13 MS. GILSON: You said you wanted the
14 beds to be restored just as good as new. And I
15 wondered if you were aware of any other situations
16 where beds had been restored as they were to
17 preconstruction conditions?

18 MR. REINEMANN: This is Joe Reinemann.
19 I --

20 A VOICE: You need to --

21 COURT REPORTER: You need to get to a
22 microphone.

23 A VOICE: Grab the other one.

24 MR. REINEMANN: Joe Reinemann. I am not

HEARING RE: ALGONQUIN GAS & ISLANDER EAST
APRIL 11, 2002 (12:30 PM)

1 personally aware of any restoration of clam beds. But
2 I would like to have Roman Zajac speak about the
3 potential for restoration after construction.

4 MS. GILSON: Thank you.

5 DR. ZAJAC: The question of restoration
6 certainly is an important one. And there's two kinds
7 of things that have to be looked at. There is the
8 natural process by which these habitats will be
9 restored through just natural processes as I said. And
10 most of these beds, it's my understanding, are
11 primarily harvested for hard clams. Hard clams live
12 within the sediments, and as such we're not talking
13 about having shell on there or things that would be
14 occurring with oysters beds, so let's make that clear.
15 So the fact that the habitat itself is primarily of
16 muds, then post-construction restoration -- post-
17 construction natural recovery of the habitat should
18 occur within three or four years.

19 Active restoration of clam beds with
20 regards to hard shell clams is in its infancy really.
21 And there are studies that are being done and projects
22 that are being done in Chesapeake Bay for example and
23 also down in the Gulf states. But these really are
24 projects that have -- that only started within the last

HEARING RE: ALGONQUIN GAS & ISLANDER EAST
APRIL 11, 2002 (12:30 PM)

1 decade or so and the results are just coming out.
2 Generally, these tend to focus on re-seeding attempts
3 and what is the correct amount to reseed, because if
4 you seed too much, you can attract predators and
5 protecting the seed that you put down and so on and so
6 forth.

7 CHAIRMAN GELSTON: Pam, you --

8 MS. KATZ: No, I'm all set.

9 MS. GILSON: So -- I'm sorry, the
10 information you have is from the Gulf Coast?

11 DR. ZAJAC: There is -- the projects
12 with regards to shellfish bed restoration are occurring
13 in the Gulf Coast and also in Chesapeake Bay. So there
14 are a number of projects along the eastern seaboard, if
15 you will, that are occurring. And again, these are
16 just in their -- really have been -- are being done in
17 earnest over the last decade or so.

18 MS. GILSON: And those are the only
19 studies on successful restorations of shellfish beds?

20 DR. ZAJAC: That I know of, yes.

21 MR. LYNCH: Excuse me --

22 MR. ASHTON: Are there any studies where
23 there has been a disturbance to the seabed where
24 scientists have gone back after the fact to examine how

HEARING RE: ALGONQUIN GAS & ISLANDER EAST
APRIL 11, 2002 (12:30 PM)

1 successfully benthic organisms have reestablished
2 themselves?

3 DR. ZAJAC: Oh, yeah. There have been
4 many many studies along those lines in terms of the
5 general benthic community.

6 MR. ASHTON: Right. And rehabilitation
7 and restoration of those?

8 DR. ZAJAC: Again, these were in cases
9 of natural processes, allowing the restoration to occur
10 --

11 MR. ASHTON: Yeah --

12 DR. ZAJAC: -- recovery to occur --

13 MR. ASHTON: What does --

14 DR. ZAJAC: -- as opposed to active
15 restoration by human --

16 MR. ASHTON: What do they say?

17 DR. ZAJAC: Well, basically, those
18 studies show that the recovery of the seabed is
19 primarily dependent on the severity of the disturbance,
20 what kind of disturbance, and the area of disturbance.
21 And for situations where we're not talking about human
22 pollutants such as organic enrichment, areas over 10
23 kilometers square have been shown to recover within
24 about five years --