

APPENDIX P
SDEIS COMMENT SUMMARIES AND RESPONSES

21. ALTERNATIVES (General) (C10, O2, Various WC)

Comment Summary 21-1: The SDEIS still does not consider non-construction alternative including implementation of conservation measures and alternative energy sources and fuels.

21-1 Section 3.1 of the FEIS addresses the no action alternative and the use of alternative fuels, including conservation. As stated in that section, alternative energy sources (such as solar or wind power) are not developed to the point that these sources can efficiently fuel power plants or replace the energy provided by natural gas. Alternative fuels include coal and oil that both produce greater emissions of NO_x and SO₂.

Comment Summary 21-2: The Commission should review alternative proposals to the Millennium Project. Specifically, the Iroquois Eastchester Expansion Project should be reviewed.

21-2 The FEIS contains an extensive discussion of system alternatives, route alternatives, and route variations in sections 3.0 and 6.0. Section 3.2.8 of the FEIS contains a discussion of the Eastchester Pipeline System Alternative.

Comment Summary 21-3: Section 3.2 of the SDEIS, Project System Alternatives, inexplicably analyzes whether the Millennium Project could serve as an alternative to the Iroquois Eastchester Project. That analysis reaches a faulty conclusion.

Comment noted.

Comment Summary 21-4: The paragraph on page 3-3 of the SDEIS that discusses the Eastchester Expansion Project is irrelevant in that there is no reason for the Commission to make a determination in this docket as to whether the Millennium Expansion Project could serve as an alternative to the Eastchester Expansion Project. It should be removed for the SDEIS.

Comment noted. Section 3.2.8 of the FEIS has been revised.

Comment Summary 21-5: The conclusion that the Millennium Pipeline Project could serve as a system alternative to the Eastchester Expansion Project is erroneous because it is based on faulty assumptions and incomplete information. The analysis assumes that the Millennium facilities from Lake Erie to Ramapo will be constructed and then compares the Eastchester Expansion Project to the Millennium Pipeline Project from Ramapo to Mount Vernon. The Millennium facilities from Lake Erie to Ramapo are the very issue that the Commission must determine in this proceeding and cannot be left out of the analysis. Assuming that upstream facilities that have not yet been constructed but which are an integral part of the project are under review appears to run afoul of the rule against segmentation under the National Environmental Policy Act. Further, the Millennium and Iroquois projects have not been deemed to be competitive. Accordingly, the Commission's decision on Millennium's proposal should not have any precedential effect on Iroquois' project.

21-5 Our purpose was to specifically evaluate system alternatives for the 9/9A Proposal since that was the primary focus of the SDEIS. For purposes of this analysis, the approval and construction of the Millennium Pipeline Project from Lake Erie to Ramapo was considered to be irrelevant to the analysis. The Commission's decision on these two projects is outside the scope of the EIS.

Comment Summary 21-6: An appropriate alternative analysis would compare the costs and environmental impacts of construction of the entire proposed Millennium Pipeline Project from Lake Erie to Mount Vernon (including the additional compression necessary to serve the Eastchester markets in the Bronx) to the necessary facilities required on the Iroquois system to supply its Bronx Eastchester markets plus the Millennium markets.

21-6 As stated in our response to comment O2-3 above, we analyzed the comparative costs and environmental impacts associated with a system alternative that would replace the 9/9A Proposal.

Comment Summary 21-7: The analysis does not take into consideration extensive additional ConEd facilities that would be required to move the Millennium volumes from Mount Vernon, New York to the Bronx where the Eastchester markets requires natural gas. In response to data requests, ConEd has indicated that \$50 to \$100 million of additional facilities would be required on its system for this purpose.

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21-7 Comment noted. ConEd may need to build additional facilities to accommodate either the Millennium or Iroquois projects, or both. Since we do not have detailed information from ConEd on its expansion requirements, we did not include it in our analysis.

Comment Summary 21-8: When an appropriate analysis is made, including the required ConEd facilities, the costs are comparable for Millennium or Iroquois to serve both the Millennium and Eastchester markets (see attached table). There can be no question that constructing a 400 mile pipeline through virgin territory, plus adding compression, would cause considerably more environmental impacts than construction 73 miles of pipeline, compression, and limited looping of the existing Iroquois pipeline.

21-8 Based on the information presented in your table, and excluding any additional facilities needed by ConEd to receive the combined load at either Mount Vernon or the Bronx, the cost of a Millennium system alternative (assuming construction of Millennium's entire project) would be about 2.6 percent more than a similar system alternative using the Iroquois system with the required expansion. Since much of the additional cost is associated with construction of the Millennium pipeline to Ramapo, and we have specifically excluded those costs from our analysis, we believe our original conclusion is correct in that the Eastchester Expansion Project would require more facilities and result in additional environmental impact. We also note that the Millennium pipeline would be constructed adjacent to or within existing rights-of-way (primarily Columbia's) for 87 percent of its on-shore length. This would equate to looping on the Iroquois pipeline system. We do not agree with your characterization of the Millennium Pipeline Project as a 400 mile pipeline through virgin territory.

22. LAKE ERIE LANDFALL (1)

Comment Summary 22-1: The FERC should investigate how the proposed route was chosen in Ripley, New York. Many believe that the route was selected through illegal negotiations between the town supervisor, Millennium, and Columbia without regard for the safety or well being of the people in the Town of Ripley. The proposed route makes landfall on the town supervisor's property and would cross two more of his properties. A better, safer route was recommended by a member of the business committee, the planning board and many citizens. This route would not go through the town aquifer or any private water supplies, would avoid historic archaeological sites, and proximity to two churches (within 500 feet) and school grounds (within 1,000 feet).

22-1 We have no knowledge of illegal negotiations that may have occurred during selection of the preferred route and cannot comment or investigate these allegations. We assume the route you are proposing is the one that was presented in the DEIS as the Forsyth Road Variation (see section 6.4.1 of the FEIS). This variation made landfall in the town park in Ripley, and continued southeast to the proposed route. Although the Forsyth Road Variation would be 2.3 miles shorter on land, it would be 5.2 miles longer in Lake Erie. It was primarily because of the additional length in the lake that we did not find a compelling environmental reason to recommend the variation over the proposed route (see section 6.3.1 of the FEIS).

23.

Comment Summary 23-1: The SDEIS did not recommend the Airport Variations for the following reasons: additional length of pipeline, greater potential for environmental impact (including the crossing of the proposed Cattaraugus County Airport and the Rock City State Forest), and economic impact on the Elkdale Country Club Golf Course. On April 26, 2001, the Cattaraugus County Planning Board unanimously agreed to resubmit a Modified Airport Variation as shown in the attached map. This variation begins at approximate MP 88.0 and parallels the existing north-south National Fuel ("K") pipeline to a point approximately 1,600 feet south of the Elkdale Country Club Golf Course, before turning east across the Rock City State Forest and then northeast to rejoin the pipeline at approximate MP 93.7. This modified variation would avoid impact on the Rock City State Forest and the rare rock formations located on private lands of Charles A. Nichol that may become a public park in the future. It would also avoid economic impact on the Elkdale Country Club Golf Course. It is noted that the proposed Cattaraugus County Airport was disapproved by resolution of the Cattaraugus County Legislature.

23-1 Comment noted. See section 6.3.2 of the FEIS (Modified Airport Variation). We note that Millennium has not been given permission to survey the Nichol property to verify the presence of the rare rock formations. Since we have not been able to locate these formations and the extent of potential impact on them, we cannot arbitrarily recommend a variation around them.

Comment Summary 23-2: Millennium states that the modified Airport Variation would be several miles longer than its proposed route. The modified Airport Variation increases the length of the pipeline by only 1.7 to 2 miles.

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Comment noted. See section 6.3.2 of the FEIS.

Comment Summary 23-3: Western New York Land Conservancy, Inc. is a private non-profit land trust dedicated to preserving open space lands, both natural and agricultural. The WNYLC is commenting on behalf of the Nichol property in the vicinity of Hungry Hollow Road and Rock City Road in Cattaraugus County, New York. The WNYLC has visited the Nichol property many times and has discussed protection of this property off and on since 1995.

There are two areas of conglomerate rock formations on the Nichol property. Both areas are somewhat different from the state-owned Rock City formations south of the Nichol property. One area is located about 700 to 1,200 feet north of Hungry Hollow Road and the formation is characterized by a strip of outcropping from the hillside with some scattered cabin to house-size rocks. The other area is mostly west of Rock City Road and starts about 650 feet south of Hungry Hollow Road. This latter area extends to the Nichol south property line and is characterized by a tight grouping of cabin to house-size free-standing blocks with some outcropping near the south property line. There are also smaller areas of impressive examples west of the Nichol property and along the southern boundary. Many of the blocks are covered with interesting plant assemblages from mosses to trees.

23-3 Comment noted. We appreciate your description of the rock formations on the Nichol property since Millennium has not been allowed access. This has made it difficult for us to determine if a route through the property can be identified that would not affect or reduce impact on these formations. We have therefore recommended that Millennium complete surveys of this property and file the results with the Commission along with any mitigation plans (see section 5.1.2 of the FEIS).

Comment Summary 23-4: The SDEIS does not seem to address adverse impacts to these rock formations that certainly need to be protected. Currently, people visit the rock formations along the south property line and, if not destroyed, visitation is expected to increase. The FERC should consider routes south of the Nichol property and the Rock City formations. Unfortunately, a number of the proposed routes appear to adversely affect these rock formations, and some (e.g., the Coleman Variation) appear worse than the original route.

See response to comment 23-3.

Comment Summary 23-5: The Salamanca Conglomerate is a geological stratigraphic unit in the Upper Devonian section of New York and is within the project area in Little Valley, New York. The Salamanca Conglomerate is thought to be an incised valley deposit and the Salamanca Conglomerate will be one of the few surface exposures of an incised valley in the U.S. Compared to surrounding deposits of shales and thin sandstones, the conglomerate is the most competent ("tougher") sedimentary unit in the area of the proposed pipeline. The Department of Geology at the University has received state funding for a geologic study of the Salamanca Conglomerate which is scheduled for May 2001. The pipeline should be sited either north of south of the Salamanca Conglomerate outcrops.

Comment noted. While we have evaluated a number of route variations in the vicinity of Little Valley (see section 6.3.2 of the FEIS), we have not found one that is environmentally preferable to the proposed route. Since we have no survey data on the proposed route through some properties in the Hungry Hollow Road area, we cannot confirm that the Salamanca Conglomerate will be affected.

Comment Summary 23-6: Mr. Nichol refuses to grant access to his property for surveys.

23-6 Until surveys are completed, we cannot determine if impacts.

24. LANDOWNER VARIATIONS (S5, I2, I3)

Comment Summary 24-1: Commenter proposed the Curran Route Variation as described in section 4.7 of Part II of the SDEIS. Commenter agrees with the SDEIS conclusion that the Micha Variation is the preferred route for the pipeline instead of following Line A-5 as originally proposed. However, a complete analysis of the Curran Variation should be conducted if the original route along Line A-5 is reconsidered.

24-1 Comment noted.

Comment Summary 24-2: A recently replaced pipeline crossing through a wetland on commenter's property caused erosion. Recommends that the wetland be bypassed and have not heard back from Millennium.

We believe your property may extend from Station Number 13100+57.8 to Station Number 13140+19.6 (approximate MPs 248.1 to 248.8). There are two wetlands within this area: Wetlands W407 and W408 with

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crossing lengths of 117 and 887 feet at approximate MPs 248.1 and 248.3, respectively. As stated in section 7.2 of the FEIS, recommendation No. 5, minor realignments may be made on a landowner's property to accommodate landowner needs and requirements. These changes can be discussed with Millennium during easement negotiations.

Comment Summary 24-3: The NYSDA&M supports the Micha Variation.

Comment noted.

25. BRADLEY CREEK VARIATIONS (S15, I4, I5, I6)

Comment Summary 25-1: The Kodey property is a retail Christmas tree farm. It takes 12 years to grow a tree and the trees are planted on a rotational basis. The Kodey property would not be affected by the proposed route (the dashed line shown on figure 4.6-1 of the SDEIS). However, if the Bradley Creek Variation were approved, between 8,000 and 9,000 trees and seedlings would be lost if the pipeline were placed south of the existing Line A-5 pipeline, or about 25 percent of the 35,000 trees on the property. If the Bradley Creek Variation followed the NYSEG natural gas pipeline on the north side, about 5,000 trees would be lost.

We did not recommend the Bradley Creek Variation.

Comment Summary 25-2: Mr. Kodey requested an answer to two questions: (1) what will be the time duration of the lease that is sought and (2) can it be assumed that trees can be replanted on the easement portion as the tree roots can grow about 6-10 inches below the surface and the pipeline will be 4 to 6 feet under the ground.

25-2 The easement, which would be with Millennium, would probably be for the life of the pipeline. Whether or not planting of Christmas trees over the pipeline would be acceptable could be determined as part of the easement negotiations with Millennium.

Comment Summary 25-3: The original proposed route was moved to the NYSEG right-of-way to avoid residences on Boswell Hill Road at the landowners' request. A 75-foot offset requested by FERC's October 5, 1999 data request question No. 91 was ignored and not responded to by the Applicant.

25-3 The original proposed route along the Line A-5 right-of-way (referred to as the Line A-5 Variation in the DEIS) was of concern to a number of residents along the Line A-5 in this segment, not just residents in the Boswell Hill Road area. Millennium provided sufficient information on the 75-foot offset, which was supplemented by comments of the affected residents. Millennium moved the pipeline to the NYSEG right-of-way to address the concerns of residents at Boswell Hill and others along the entire segment between MPs 241.1 to 242.6. Further analysis of this 75-foot-offset is not required.

Comment Summary 25-4: The proposed route between the NYSEG powerlines is based on wrong and incorrect information, lack of information, and no factual study. Commenter proposed the Bradley Creek Variation to avoid closeness to residences on Bradley Creek and Pitkin Hill Road. The conclusion in the SDEIS recommending against the Bradley Creek Variation is not reasonable and not based on substantial evidence. In many instances, information in the SDEIS was not updated as noted in the comments below.

25-4 Our evaluation of the proposed route and Bradley Creek Variation was based on information provided by Millennium, landowners along both routes, and our two site visits. We have incorporated information provided in support of the Bradley Creek Variation where it was germane to our analysis.

Comment Summary 25-5: The Bradley Creek Variation was proposed by a resident on Harrington Road to avoid: closeness to residences and a working barn on Bradley Creek and Pitkin Hill Roads, 1,200 feet of steep side slopes, an extra road crossing, extra stream crossings, an access road off the right-of-way to slick bore under guy wires, land in Agricultural District No. 1, a drinking water spring and a seasonal spring, isolation of a home, boring under a septic system and under Bradley Creek Road, blasting, crossing at least two ponds, possible fault currents, etc. The SDEIS stated that the variation was proposed by a resident on Bradley Creek Road to reduce impacts on properties on Pitkin Hill and Bradley Creek Roads.

25-5 Comment noted. See revised description in section 6.3.7 of the FEIS.

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Comment Summary 25-6: In 1996, NYSEG filed an application to construct a pipeline in the same area (Case 95-T-0248 Phase II, Tr.938 Exhibit 14, Sheets 5-6). This pipeline was originally along the NYSEG powerline right-of-way and was moved to the Line A-5 right-of-way to avoid construction impact on residential and agricultural uses.

The decision on the location of the NYSEG pipeline was based upon analyses conducted at that time. These conclusions can not be used as justification for moving the Millennium pipeline to the Line A-5 right-of-way now. The current proposal has been evaluated on its own merits.

Comment Summary 25-7: In June 1999, the PSCNY comments on the DEIS identified concern about outages of the powerline as a result of construction of the pipeline between the 230 kV and 345 kV powerlines in the Towns of Maine, Union, and Owego. The PSCNY recommended that Millennium work with the NYSEG to establish a location for the pipeline that would permit the transmission lines to operate during construction. Further, the PSCNY noted that a ground fault could puncture a hole in the pipeline and that NYSEG's Seneca pipeline had been moved to the edge of the right-of-way for this reason.

25-7 We recommended that Millennium comply with the PSCNY's request and work with NYSEG to develop appropriate construction and operation procedures (see recommendation in section 5.8.1.2 of the FEIS).

Comment Summary 25-8: SDEIS Table 4.6-1 is the same table as that presented in the DEIS and does not: 1) count 2 residences within 40 feet of the construction work area on the proposed route/Bradley Creek Variation; 2) reflect additional work areas; 3) reflect agricultural land on the proposed route/Bradley Creek Variation; 4) include perennial water crossings - two are not accurate; and 5) reflect residences within 50 feet on the proposed route/Bradley Creek Variation - there are two at road crossings. In addition, landowners on Pitkin Hill Road indicate that it is better to put the pipeline on their back property line.

25-8 We have rechecked the data presented in the table based on our review of the aerials and alignment sheets, and we have made minor revisions where appropriate. However, we could not verify all of your information.

Comment Summary 25-9: Conclusion in the DEIS that "we did no further analysis of this modification" indicates that Millennium chose to ignore serious impacts along the proposed route. Further, Millennium filed its response and then contacted landowners about the location of wells and septic systems. Millennium also stated that it was the Niagara Mohawk powerline, and denied that there were steep slopes and two farm ponds. They also joked about a home access being cut off. This inaccurate information should not be used as the basis of a decision.

25-9 Our decision was based on information filed by Millennium and our independent field review of the area during several site visits. We believe the information presented in the FEIS accurately reflects the situation.

Comment Summary 25-10: No one from Millennium contacted us. The Supas and the Lewises had to request a brief meeting on March 2, 2001, one day before the SDEIS was received in the mail.

Comment noted

Comment Summary 25-11: The NYSEG's original application had a prime route and an alternate from MPs 241.1 to 242.6 that avoided closeness to residences, steep side slope, and other environmental concerns. NYSEG held open houses to inform the public and gather public input. The PSCNY selected the alternate.

25-11 See response to comment I5-4.

Comment Summary 25-12: The proposed route bypasses two M&E stations and creates the need to construct a new regulation station to deliver gas back through the aging Line A-5 that was built in 1954. This would deny the area state-of-the-art natural gas service and would deliver the gas at reduced pressure. This would threaten the reliability of natural gas service to the two M&R stations if the pipeline goes out of service and requires emergency repair. The DEIS stated that the aging Line A-5 would need repair and replacement. Commenter opposes bypassing the M&R stations.

19-12 The existing Line A-5 would be operated as a lateral and, as such, would be in compliance with the operating requirements of the USDOT. Since the new pipeline would be carrying the load for downstream natural gas deliveries, Line A-5 would only need to carry the load for the deliveries at Union Center and Endicott. With the lower load requirements, Line A-5 could be operated at a lower operating pressure. This would have no effect on service. The area would have a state-of-the-art new mainline pipeline, and continued, reliable service on the existing pipeline.

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Comment Summary 25-13: Commenter is concerned that 3.3 miles of Line A-5 will continue in operation. There was an explosion on that line that torched a home on Airport Road.

Millennium would be required to maintain the segment of the pipeline that it would operate as a lateral in conformance with USDOT specifications.

Comment Summary 25-14: The area needs to attract new business and industry. Most of the Town of Maine does not have natural gas service. NYSEG's parent company Energy East and BP have formed an alliance. The FERC should request that Millennium bring state-of-the-art gas service to the Endicott and Union Center M&R Stations.

The new pipeline can provide natural gas to the Town of Maine and for other expansion of natural gas services in the area. Millennium could file an application with the FERC to provide additional service and construct the facilities to provide the service here or anywhere along its pipeline route. Any such application would receive appropriate environmental review.

Comment Summary 25-15: Columbia has right-of-way easements on the Line A-5. This does not justify taking new land by eminent domain.

While it is true that Columbia has easements on the Line A-5 right-of-way, Millennium would require 25 feet of new permanent right-of-way for the new pipeline when the new pipeline is installed adjacent to the existing Line A-5 pipeline (up to MP 285.6). Use of the existing NYSEG right-of-way for the proposed pipeline would also provide the opportunity to overlap an existing right-of-way since the pipeline would be installed within the existing NYSEG easement. In actuality, the Bradley Creek Variation would require additional new permanent right-of-way for its entire length, whereas the proposed route would be placed entirely within an existing easement.

Comment Summary 25-16: The map in the SDEIS does not show the Endicott and Union Center Measuring Stations.

25-16 Figure 6.3.7-1 (sheet 2) in section 6.3.7 of the FEIS has been revised to include the Union Center and Endicott Measuring Stations. The Endicott Measuring Station is also shown on Figure 6.3.7-2.

Comment Summary 25-17: The SDEIS map is difficult to read, and does not show the homes on Bradley Creek and Pitkin Hill Roads. Further, it should be noted that there is no natural gas line on the proposed route. Finally, commenter has requested "updated and accurate drawings and specific written explanation of construction of the pipeline on the Supa, Lewis, Scone, and Mitchell properties to show construction between the 230 kV and 345 kV powerlines." Nearly 2 years later, no information has been received.

25-17 Residences are shown on SDEIS figure 4.6-1 as small black squares. However, we have revised figure 6.3.7-2 of the Bradley Creek Variations to show the location of the Supa and Lewis residences. There is no requirement that a proposed pipeline be placed adjacent to an existing pipeline right-of-way. However, environmental guidelines do support placing new utilities adjacent to existing ones. In this case, either the proposed route or the Bradley Creek Variation would meet this objective. Regarding the site-specific drawings and description of construction through the Supa, Lewis, Scone, and Mitchell properties, the public record on the FERC "RIMS" site contains Millennium's responses to the FERC data requests of June 6, 1999 (response filed on June 22, 1999). This includes response to 13 questions related to construction across the Supa land. The DEIS, SDEIS, and FEIS also contain descriptions of construction.

Comment Summary 25-18: The SDEIS (page 4-14, paragraph 1) states that the Bradley Creek Variation would affect 9.5 acres of agricultural land and 4.0 acres of forested land. The agricultural land is on the backside of landowners property and away from residences. The forest land is primarily pine plantation and woods. The tree farm would not be affected and the Hermitage would only be affected on the remote eastern portion of the property away from the buildings.

25-18 The location of agricultural land in relation to property lines is not significant to our analysis, nor is the composition of the forest since the species composition is similar throughout the area. We are simply quantifying agricultural and forest land that would be affected. The Hermitage uses the "remote eastern portion of the property away from the buildings" for meditation. Mr. Koday indicates that approximately 5,000 trees and seedlings may be affected on the tree farm (see comment letter 14).

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Comment Summary 25-19: The SDEIS (page 4-14, paragraph 2) states that the proposed route "would cross a septic system and require removal of trees on the east side of Bradley Creek Road on the Thompson and Scone properties." The Thompson property is not on Bradley Creek Road and the Mitchell property is not mentioned.

25-19 Comment noted. The FEIS has been revised to "Francesca/Mitchell" and Scone properties on the east side of Bradley Creek Road.

Comment Summary 25-20: In the commenter's opinion, the steep side slope between the two powerlines will require many safety precautions in addition to "special techniques." Also hardened crossings will be required.

Natural gas pipelines have been successfully installed between powerlines throughout the U.S. While it is true that safety precautions will be required, these will be developed between Millennium and NYSEG to ensure worker safety and avoid power outages as a result of construction. The need for hardened crossings is between Millennium and the landowner. Typically, hardened crossings are not required for most vehicles (i.e., trucks, farm equipment, etc.) that may need to cross the pipeline.

Comment Summary 25-21: Commenter is very concerned about disturbing the watershed for the drinking water spring, seasonal spring, recreational pond and wood duck pond constructed under the Wetland Reserve Program contract #2C31-8-00437.

Comment noted. We have included a recommendation to ensure that the spring and watershed are protected and restored.

Comment Summary 25-22: The crossing of the ridge is different. On the Bradley Creek Variation, the crossing is at a right angle; on the proposed route, the crossing is along the side slope. Heavy equipment will compact soils, additional right-of-way will be required, and piling of spoil on the uphill side "makes rains, even the best efforts will create extreme environmental damage." Commenter wants to know exactly "how much to make a dirt highway for heavy equipment."

25-22 According to the enlarged USGS map filed on January 15, 1999 (in response to our December 22, 1998) data request, both the variation and the proposed route have some side slope segments. Although construction along the side slope may be difficult, it is not impossible for this approximate 1,500-foot-long segment. Further, Millennium proposes to move the pipeline south in this area to avoid the seasonal spring on your property and increase the distance between the construction work area and the spring. The construction right-of-way (dirt highway) in this segment will be about 75 feet wide, or less depending on the available work space between the power poles.

Comment Summary 25-23: The pipeline will be as close as 34 feet from the power poles. Commenter is concerned about the safety of the power poles.

Millennium would work out a construction plan with NYSEG for construction within the NYSEG right-of-way and avoid damage to the power poles.

Comment Summary 25-24: At MP 242, there is a point of intersection on the powerline where there are 18 guy wires. Drawings filed with the FERC show an access road off the right-of-way to bypass the guy wires and a plan to bore under the guy wires. The bore would also need to follow the point of intersection. Can the pipeline be bent as it goes underground?

The pipeline does not need to follow the point of intersection of the powerline and likely would be bored in a straight line with the entrance and exit points outside of the guy wires.

Comment Summary 25-25: The proposed route does not cross the same ridge in the same topographic conditions as the Bradley Creek Variation which is located 0.2 mile south. The phrase "it is the same ridge" came from a landowner's letter and not from an engineering study.

The topographic maps show that the same ridge is crossed by the proposed route and the Bradley Creek Variation.

Comment Summary 25-26: The SDEIS conclusion on the Bradley Creek Variation (page 6-14) is the same as that in the DEIS except for the replacement of "residents" with "Supas and Lewises". There were many comments and a petition in favor of the Bradley Creek Variation. In addition, landowners with cropland prefer the pipeline on the edge of their cropland rather than close to residences.

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Based on our review of both routes in the field and comments received from supporters of both routes, we believe construction along the proposed route (with Millennium's proposed mitigation and our additional recommendations) would result in the least environmental impact.

Comment Summary 25-27: It is untrue that there are no residences within 50 feet of the construction work area. There are two residences within 40 feet at the road crossings and three wells within 150 feet of the construction work area, and one septic system is crossed. Further, the Mitchell residence has an apple tree that is not even mentioned and the Thompsons are on the wrong road. Why are the Supa's and Lewises ignored and others given preferential treatment?

The construction work area for the proposed route is within the existing NYSEG easement. We identified no residences within 50 feet of the construction work area and cannot verify your claim that there are two residences within 40 feet without knowing which residences you are referring to. The Mitchell apple tree and the septic system was mentioned on page 4-14 (fourth paragraph) along with Millennium's proposed mitigation to bore the septic system, and fence and protect the apple tree. We acknowledge that the Thompson property is between Pitkin Hill and Edson Roads. Millennium has moved the pipeline to avoid crossing the R. Lewis' driveway (and would subsequently be within 50 feet of the D. Lewis residence). We have recommended that Millennium protect the Supa water supply. We do not believe that we have ignored concerns of the Supas and Lewises.

Comment Summary 25-28: Commenter supports the FERC recommendation that Millennium prepare a report regarding the water supply system on the Supa property, but requests that an independent company be required to do this study since Millennium has done no study, did not update the tables, does not have the correct residences, identified the NYSEG powerline as that belonging to Niagara Mohawk, filed wrong information, and filed information before collecting data. Commenter would be willing to pay for the report.

25-28 While you are free to commission your own report, we believe that Millennium should complete its own study to identify appropriate pipeline construction techniques and mitigation.

Comment Summary 25-29: Commenter strongly urges the FERC to use the Bradley Creek Variation for the reasons identified above.

Comment noted.

Comment Summary 25-30: The FERC, PSCNY, NYSDA&M and Millennium have not read any of the Lewis' letters or seen the video tape about the unique problem on the Lewis property. Millennium will put the pipeline on Lewis property and will cut off all ingress and egress during construction. This problem should be addressed in person.

We visited your property in May 1999 with Millennium and other landowners that would be affected by either the proposed route or the Bradley Creek Variation. Millennium's original proposal would have required placing the pipeline under the driveway and, except for a short duration when the pipeline is actually being installed, Millennium would be required to maintain access to the residence. Millennium currently proposes to shift the pipeline centerline so that crossing the driveway will not be required and access will be maintained throughout construction.

Comment Summary 25-31: On page 4-12 of Part II of the SDEIS, the second paragraph begins with "we also attempted to identify." This admits that Millennium has all but admitted that there is a problem in this area.

25-31 The "we" on this page refers to the staff of the FERC and means that we made a good faith effort to find an alternate alignment in this area. We did not mean to imply that there is a problem, only that there is a concern.

Comment Summary 25-32: As far as forest clearing, Millennium would have to clear a portion of hemlock trees that are used by the Lewis's for buildings and recreation. The new landowners that are referred to have stated that they would prefer the pipeline follow the NYSEG gas pipeline, not the NYSEG powerline in this area.

25-32 In reference to moving the pipeline away from the R. Lewis (e.g. your) property, the SDEIS stated that "any modifications would require additional forest clearing" and that "it would also affect new landowners." The forest clearing for any modification to the proposed route would be in the woods adjacent to the D. Lewis buildings that are not currently affected. The new landowners would be those affected by the reroute to avoid the R. Lewis driveway. During our site visit, these landowners did not indicate a preference for a reroute in this area (see DEIS comment letters G23 in appendix O of the FEIS).

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Comment Summary 25-33: The Bradley Creek Variation is only 0.6 mile longer. If the Boswell Hill area was avoided because of landowner concerns, then the Bradley Creek Variation should be approved for the same reasons. Use of the Bradley Creek Variation may inconvenience the St. Francis Hermitage for a short time and a horse pasture. The only other concern would be with a small wooded lot on the Harris property that is mainly fire wood quality. The Kodey tree farm would not be a concern if the Bradley Creek Variation followed the NYSEG pipeline.

25-33 The Bradley Creek Variation would affect 13 properties, one more than the proposed route. Of the property owners mentioned, three have commented that they are opposed to the Bradley Creek Variation (see comment letters G48 [Mooney horse pasture] and G98 [St. Francis Hermitage] in appendix O; and comment letter I4 [Kodey Tree Farm] in appendix P). Placement of the pipeline along the Boswell Hill properties would have had significantly more impact on residential properties. There are at least 6 properties where the pipeline would be less than 50 feet from residences (3 on Boswell Hill Road and another 3 at the crossing of Old Newar Valley Road).

Comment Summary 25-34: The pipeline would go through an apple orchard and a pond on the Scone property, and would remove sugar bush trees. The pipeline would also cross through a building that stores machinery, would cross Bradley Creek where there are massive water currents where it exits the sluice pipe, would cross a spring infested slope where diversion ditches have been installed to slow erosion, would remove a portion of a wooded lot, would force wildlife out of the area, and would cross a pond used for water supply to a hunting cabin.

Comment noted. However, these are typical issues that would be encountered on any route through this area. We also note that the pipeline would not cross through a building.

Comment Summary 25-35: One of the biggest concerns is not even mentioned. If the pipeline were to rupture, the Lewis residence, which is surrounded by 80 foot cliffs, would be cut off from all emergency vehicles. This is a unique and serious problem. Gas pipelines should be kept with gas pipelines and powerlines with powerlines. NYSEG moved its gas pipeline.

Comment noted. See response to Comment G19-6 in appendix O.

Comment Summary 25-36: Millennium failed to mention that a water supply well is within the construction area and would possibly have to be relocated. This would change the water table and reduce well output.

Millennium is required to identify all water wells within 150 feet of the construction work area before construction. See section 5.3.1.2 for our recommendation about water wells.

26. CITY OF YONKERS (C7)

Comment Summary 26-1: The City of Yonkers notes with satisfaction that the FERC has changed the originally proposed routing of the Millennium pipeline from the City of Yonkers streets to the Grassy Sprain Parkway.

26-1 Thank you for your comment.

Comment Summary 26-2: Although Millennium has kept the city informed of all plans and proposed changes, the currently proposed route will eviscerate the Ridge Hill Development site that is one of the few sites available for new commercial development. This site has the potential to create upwards of a million square feet of much needed job producing development and is unique in that it can carry a large development with little community impact (see attached letter from the Chief Executive Officer of the Ridge Hill Development Corp. dated April 26, 2001). The City of Yonkers is willing to not contest the location of the pipeline on its property if the location were to be moved to the extreme eastern edge of the site within the area that would be the zoning set back area. This location would avoid impact on potential development of the site and would place the pipeline in an area that should rarely see any third-party disturbance. The pipeline would also be several hundred feet horizontally from the power lines and separated by almost 100 vertical feet from the base elevation of the tower foundations. The city has consulted with Millennium and has been assured that this is a feasible routing if given approval by the FERC to lay the pipeline outside of the powerline right-of-way, but within the ConEd "exclusionary area."

Comment noted. See section 6.3.15 of the FEIS (Sprain Ridge Variation).

Comment Summary 26-3: The Mosiello Route Variation is a sensible proposal and is supported by the City of Yonkers. Any routing that keeps the pipeline in the medians of roads or within other utility corridors and thus as far away as possible from city streets and our residents will be supported by the city.

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26-3 Thank you for your comment

27. WESTCHESTER COUNTY ROUTE ALTERNATIVES (C2, C3, C4, O18, Various WC)

Comment Summary 27-1: Use of the existing ConEd right-of-way would provide the least environmental impact because many of the potentially impacted areas are already disturbed.

Thank you for your comment.

Comment Summary 27-2: On March 27, 2001 the Town of Ossining Town Board adopted a resolution urging the PSCNY to designate the Taconic Parkway as the preferred route for Millennium.

27-2 Comment noted. See discussion of the ConEd Offset/Taconic Parkway Alternative in section 6.2.6 of the FEIS.

Comment Summary 27-3: The Board of Trustees of the Village of Ossining passed a resolution requesting the Commission to designate the Taconic Parkway as the preferred route for the Millennium pipeline.

Comment noted. See discussion of the ConEd Offset/Taconic Parkway Alternative in section 6.2.6 of the FEIS.

Comment Summary 27-4: The Town of Greenburgh prefers that the pipeline not go through Westchester County or the town. If the pipeline must go through the Town of Greenburgh, then it should not follow the original proposed route along the Sprain Brook Parkway in Westchester County, because of safety issues associated with the crossing of the Ardsley fault and the Catskill and Delaware Aqueducts.

27-4 Comment noted. The currently proposed 9/9A Proposal would place the pipeline along the Saw Mill River Parkway, not the Sprain Brook Parkway. See sections 5.1.1 and 5.3.5 of the EIS for information on the Ardsley fault and the Catskill Aqueduct, respectively. The Delaware Aqueduct would be crossed at a location where the aqueduct is 350 feet below ground; the pipeline would be about 6 feet below ground.

Comment Summary 27-5: The Town of Greenburgh supports the neighboring towns of Croton-on-Hudson, Briarcliff, and Ossining and requests the pipeline route follow either the Taconic State Parkway or returns to the ConEd right-of-way.

27-5: Comment noted. See discussion of the ConEd Offset/Taconic Parkway Alternative in section 6.2.6 of the FEIS.

Comment Summary 27-6: Commenters are opposed to the ConEd Offset/Taconic Parkway Alternative because of its close proximity to residents.

Comment noted. Because Westchester County is a densely populated county, it is difficult to identify a route that would not have some impact on residents.

Comment Summary 27-7: Supports the ConEd Offset/Taconic Parkway Alternative.

27-7 Comment noted.

Comment Summary 27-8: This entire process is invasion of our rights to privacy. The Millennium Pipeline Project should not be routed along the ConEd right-of-way.

Comment notec

Comment Summary 27-9: Members of NUMB (Not Under My Backyard) propose the Route 117 Alternative that would begin near MP 382.5 on the west side of the Hudson River in Rockland County. The alternative would generally follow access roads and bicycle trails through the Gurney Quarry City, South Mountain County, High Tor State, and Rockland Lake State Parks to the Hudson River at Nyack Beach State Park. It would then cross the Hudson River to the Rockefeller State Park in Westchester County and continue east along State Route 117 to the intersection with the proposed pipeline at approximate MP 403.5.

27-9 We reviewed this alternative during our field visit in early June 2001 and found it to be infeasible from a construction standpoint. See section 3.6.1 of the FEIS.

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Comment Summary 27-10: According to the SDEIS, the FERC acknowledges ConEd's concerns about the potential dangers associated with the pipeline in proximity to the ConEd powerline. Since the pipeline would now be placed close to residences, every effort should be made to allow residents time to explore every possible alternative and discuss these issues with other affected landowners, elected officials, community groups, municipalities, and legal counsel.

Comment noted. We believe all realistic alternatives have been identified and evaluated

ConEd OFFSET/TACONIC PARKWAY ALTERNATIVE (S9, S12, C1, C2, C3, O9, Various WC)

Comment Summary 28-1: Commenters propose a modification to the ConEd Offset/State Route 100 Alternative called the ConEd Offset/Taconic Parkway Alternative. This route would follow the Taconic State Parkway rather than Route 100 from the Millwood area (about MP 399.0) to a point in southern Briarcliff Manor north of Route 117 (about MP 403.0). The ConEd Offset/Taconic Parkway Alternative has nine advantages over the 9/9A Proposal and three advantages over the corresponding segment of the ConEd Offset/State Route 100 Alternative.

Comment noted. See section 6.2.6 of the EIS for our analysis of the ConEd Offset/Taconic Parkway Alternative.

Comment Summary 28-2: Public access along the ConEd right-of-way has caused many problems. Houses have been broken into, dirt bikes use the area every weekend, and people hunt and have parties on the right-of-way. The parties finally stopped after complaints to ConEd.

28-2 Comment noted. Section II.J.5 of Millennium ECS states that Millennium would discuss ORV control with each owner along new right-of-way. We have recommended that Millennium also discuss this issue with landowners on existing rights-of-way that would be expanded for the new pipeline. See section 5.8.3.2 of the FEIS. However, any ORV controls within the ConEd right-of-way will need to be acceptable to ConEd.

Comment Summary 28-3: The pipeline should not be installed along the 9/9A Proposal. However, there are several areas of concern along the ConEd Offset/Taconic Parkway Alternative. The most troubling areas are for homes in the Westminster Drive area in Cortlandt Manor, streets near Hessian Hills in Croton-on-Hudson, the Jane E. Lytle Arboretum in Croton-on-Hudson, Teatown Lake Reservation, and several locations in New Castle. In these areas, the FERC should consider moving the pipeline back toward the ConEd powerlines and away from the individual properties, or placing the pipeline on the north side of the right-of-way.

Comment noted. We reviewed these areas during our field visit to Westchester County on June 4 through 6 2001. See section 6.2.6 of the FEIS for our analysis of the ConEd Offset/Taconic Parkway Alternative.

29. TACONIC PARKWAY VARIATION (S9, S12, C1, O9,O19, Various WC)

Comment Summary 29-1: The Taconic Parkway part of the ConEd Offset Alternative has problems in Briarcliff Manor, where the pipeline would be along the west side of the Taconic Parkway. In that area, the pipeline would be in close proximity to the Todd Elementary School, residences on Larch Road, and Briarcliff School District's facilities. An alternative route has been identified for this segment.

29- Comment noted. See discussion of the Taconic East Variation in section 6.2.6.2 of the FEIS

Comment Summary 29-2: The pipeline should be installed along the northbound side of the Taconic Parkway to lessen impact on homes and the Todd Elementary School.

Comment noted. We reviewed this alternative and the affected areas along the southbound side of the Taconic Parkway during our field visit to Westchester County on June 4 through 6, 2001. See section 6.2.6 of the FEIS for our analysis of the Northbound Taconic Parkway Variation.

Comment Summary 29-3: The pipeline should be installed along neither side of the Taconic State Parkway because of its proximity to all three Briarcliff Public Schools (Todd Elementary, Middle and High schools, and Pace University). In New Mexico, ten victims who died were within 300 yards of the pipeline. In Briarcliff Manor, over 850 children at Todd Elementary School would be within 300 feet of the pipeline.

We acknowledge your concern. However, the Millennium pipeline would be installed and maintained in accordance with USDOT standards and the additional requirements specified in the MOU and SMOU.

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Comment Summary 29-4: The Mayor of Briarcliff Manor has expressed concern with the currently proposed route along the southbound lane of the Taconic State Parkway because of its proximity to the Todd Elementary School and a Westchester County sanitary sewer line. To resolve this problem, the mayor has proposed placing the pipeline along the northbound side of the Taconic State Parkway. This routing would maintain more than 100 feet between the pipeline and the closest ConEd transmission tower and would move the pipeline away from the area of concern.

See discussion of this alternative (Taconic State Parkway East) in section 6.2.6 of the FEIS.

Comment Summary 29-5: While the Taconic Parkway continues to be the preferred route for the Village of Briarcliff Manor and the location of the pipeline along the southbound lane is generally acceptable, there is one area where a minor route variation should be considered near Pleasantville Road. North of this road and along the southbound, or west side of the Taconic Parkway, is a large wetland, a sewer line, and the Todd Elementary School, which currently serves 850 students. South of this road are about 26 homes that abut the southbound lane of the Taconic Parkway for about 0.4 mile. In this same area, there are no homes or schools on the northbound, or east side of the Parkway, except for Briarcliff Manor's Department of Public Works facility. While there are two to three ConEd electric transmission towers that approach the Taconic Parkway in that area, it is possible to position the pipeline well outside of the 100 foot limit established by the PSCNY in its April 9, 2001 SMOU. The village requests that the PSCNY and Millennium consider shifting the location of this segment of the pipeline to the northbound side of the Taconic Parkway from about 0.2 mile north of Pleasantville Road, continuing on the northbound side for about 0.6 mile before returning to the southbound side of the Taconic Parkway. This would avoid crossing the ConEd transmission lines.

Comment noted. See section 6.2.6 of the FEIS for our analysis of the ConEd Offset/Taconic Parkway Alternative and route variations considered for segments of this alternative.

Comment Summary 29-6: The FERC should consider requiring Millennium to utilize additional pipeline safety devices along this particular segment (e.g. vicinity of Pleasantville Road) due to the pipeline's proximity to the Todd Elementary School and private residences.

The Taconic Parkway segment of the ConEd Offset/Taconic Parkway Alternative is covered under the SMOU between Millennium and PSCNY. As such, all of the additional safety measures in the SMOU would apply, including increased wall thickness, more stringent pipe toughness criteria, more rigorous hydrostatic testing, and more frequent "smart pig" surveys. We believe that these additional measures are more than adequate to address the safety issues associated with the proximity of the Todd Elementary School.

Comment Summary 29-7: The Village of Briarcliff Manor believes the pipeline would be 140 feet from the Todd Elementary School and less than 30 feet below the grade of the school because the pipeline would need to be placed at a higher elevation than the existing 16-inch-diameter sanitary sewer line.

As stated in our response to comment 29-6, we do not believe the pipeline would pose a significant safety hazard to the school.

Comment Summary 29-8: The Village of Briarcliff Manor notes that the Towns of New Castle and Mount Pleasant have also endorsed locating the pipeline along the northbound lane of the Taconic State Parkway. This would allow the pipeline to start on the northbound lane of the Taconic State Parkway in Millwood and to continue for approximately 3.5 miles along the northbound lane before crossing to the southbound lane. This would avoid proximity to homes that abut the parkway on the east side of Larch Road in Briarcliff Manor (26 homes) and in the vicinity of Carleton Avenue/Chappaqua Road in Mount Pleasant (13 homes). It would also avoid proximity to the Stone Creek townhouse complex in New Castle (52 units) that abuts State Route 100 where State Route 100 and the southbound lane of the Taconic State Parkway are only separated by the bicycle trail. On the northbound lane, there are only six residences that abut the parkway.

Comment noted (see section 6.2.6 of the FEIS). However, we also note that we received a number of comments requesting that neither side of the Taconic State Parkway be used.

Comment Summary 29-9: The Village of Briarcliff Manor does not agree that the alternative along the northbound lane of the Taconic State Parkway would cross more forested wetlands. There are wetlands on both sides of the parkway, and to imply that the wetlands on the northbound side are forested is misleading. There are some trees, but hardly a forest. Millennium has also indicated that it could install the pipeline in the breakdown lane, thus avoiding the wetland altogether.

29-9 Comment noted. See section 6.2.6 of the FEIS.

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Comment Summary 29-10: With respect to Millennium's comment that the SMOU does not allow for construction along the northbound lane of the Taconic State Parkway, the Village of Briarcliff Manor notes that the SMOU is an agreement between two parties, reached in private and with no opportunity for public comment and participation. While it should be considered, it should have no more weight or importance than the opinions of the municipalities and homeowners that were not part of the deliberations, but will have to endure the consequences of the agreement. The village also notes that ConEd is currently installing a 12-inch-diameter pipeline along the ConEd right-of-way beginning at State Route 117 and that installation involves blasting a 30-foot rock formation at the foot of one of ConEd's towers.

29-10 Comment noted. See response to comment 20-12.

Comment Summary 29-11: The FERC should consider the Route 134 Modification that would place the pipeline along Route 134 and the Taconic Parkway between the intersection of Route 134 and the ConEd right-of-way and the intersection of the Taconic Parkway and the ConEd right-of-way. This would place the pipeline along the route for the lateral to the IBM facility and would avoid clear cutting in close proximity to several residences.

Comment noted. See discussion of the Route 134 Modification in section 6.2.6 of the FEIS.

Comment Summary 29-12: The Briarcliff Manor Board of Education is requesting assistance in revising the route along the Taconic Parkway. If the pipeline follows the southbound lane (or west side) of the Parkway, the pipeline would be about 150 feet from the Todd Elementary School boundary and only about 100 feet more from the school itself. The proximity of the pipeline would compromise the safety and security of the 850 students, faculty, and administrative personnel who work at the school every day.

Comment noted.

Comment Summary 29-13: Since it is the Briarcliff Manor Board of Education's obligation to ensure that the school community is protected and to minimize risks to the school, the pipeline should be moved from the southbound lane of the Taconic Parkway from approximately 0.2 mile north of Pleasantville Road. This route has been proposed and is detailed in other correspondence from the Village of Briarcliff Manor.

See section 6.2.6 of the FEIS for a discussion of ConEd Offset/Taconic Parkway Alternative and the Taconic Parkway North Alternative.

30. 9/9A PROPOSAL (S12, C1, C13, C14, Various WC)

Comment Summary 30-1: Croton, Ossining, and Briarcliff disagree with the FERC's finding that the Route 9/9A Proposal is a "viable option". The village continues to be opposed to the 9/9A Proposal.

30-1 Comment noted. However, we believe that with the use of our recommended mitigation, the 9/9A Proposal would be a viable option.

Comment Summary 30-2: Reiterates continued opposition to the 9/9A Proposal.

Thank you for your comment.

Comment Summary 30-3: The Village of Croton-on-Hudson reiterates that it is opposed to the 9/9A Proposal.

30-3 Comment noted.

Comment Summary 30-4: The 9/9A Proposal should not even be considered because it would be located adjacent to one of the most heavily traveled highways in Westchester County and the area is densely populated. A natural gas pipeline that is laid under the road could rupture as a result of the constant vibration from traffic. The pipeline should be placed away from private residences along the ConEd right-of-way.

Comment noted.

Comment Summary 30-5: Table 4.7.2-1 of the SDEIS is in error. There are more than 4 residences within 50 feet of the construction work area along the 9/9A Proposal.

As stated in the FEIS, section 5.8.2-2, Millennium states that it calculated residences within 50 feet of the construction work area using a combination of aerial photography and field review using range-finding laser and

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a tape measure. Millennium did not include in its count distances to property lines, outbuildings, pools, or other structures. However, Millennium did state that a total of 101 residences including 6 apartment buildings were identified within 200 feet of the construction work area of the 9/9A Proposal between MPs 399.5 and 401.2 (Chappaqua Road and North State Street).

Comment Summary 30-6: The residents of Babbitt Court in Elmsford are along State Route 9A and could not leave if there is a pipeline failure or emergency. Babbitt Court is bordered on the east and south sides by State Route 9A; on the west by 500 feet of mosquito-infested woods, the Saw Mill River, and the Saw Mill River Parkway; and on the south by fences and factories. There is no quick way out. It is said that the pipeline is "state of the art," but where has it been in use before and how many years has it been in operation? Remember the Titanic was billed as "state of the art."

30-6 "State of the art" refers to the most current technologies in pipeline installation and design, and include construction techniques (such as directional drill, boring, and open-cut lay-barge pipe installation methods), construction oversight to ensure the pipeline is installed in accordance with appropriate mitigation to minimize environmental impacts, cathodic systems to protect the pipeline against corrosion, and use of smart pigging to check the integrity of the pipeline. These technologies have been in place for years.

Comment Summary 30-7: Please explain why the 9/9A Proposal that could bring destruction to homes and loss of lives is considered equally acceptable to a route (e.g., the ConEd Offset/State Route 100 Alternative) that could, at worst, result in temporary interruption of electric service.

30- We do not believe the pipeline would bring destruction of homes or loss of lives along either route.

31 OTHER (General) (F4, S5, C4, C8,C13 14, O12, Various WC)

Comment Summary 31-1: The maps provided in the EIS continue to be of poor quality. The shading is too dark and the scale too small. The maps are also old, as the upper Sprain Brook Parkway, north of I-287 which was completed in 1980, still does not appear on the maps.

While we agree that these maps are dated and difficult to read in the heavily built-up areas of Westchester County, these USGS maps provide a consistent frame of reference for showing the pipeline route that continues west to Lake Erie.

Comment Summary 31-2: Columbia has been in financial trouble in the past. If there are unforeseen difficulties or financial distress, what is there to assure grievously injured parties in Croton and Cortlandt appropriate financial redress?

1-2 This is beyond the scope of the EIS.

Comment Summary 31-3: ConEd has a zero tolerance policy toward another utility using its right-of-way. How can a private utility make this determination when a citizen cannot?

31-3 If the Commission determines that the pipeline is required for the public convenience and necessity at this location, then it would be constructed under authority granted by the NGA.

Comment Summary 31-4: The Village of Croton-on-Hudson encloses a copy of a letter sent to the NYSDOS addressing issues pertaining to the proposed route through Croton-on-Hudson. First, Millennium continues to belabor the point that the ConEd Offset/Taconic Parkway Alternative would be "remote" from the Hudson River and the designated habitat portions of the Croton River. The entire village is part of the coastal zone. Second, Millennium states that the ConEd Offset/Taconic Parkway Alternative is very similar to the original proposed route that was analyzed in the DEIS. This alternative is not similar to the original route and impacts different natural resources and property than the original route. Neither the DEIS nor the SDEIS fully assessed the potential impacts of this route. Finally, Millennium's statement that "village officials ... have consented" to the 9/9A Proposal route through the village is a misrepresentation of fact. Although the village met with Millennium about locating the pipeline along the MetroNorth railroad tracks, the village did not characterize this route as a "preferred route." To the contrary, the village finds this route unacceptable since a new road, and sewer and water utilities, will be constructed in the exact area of the 9/9A Proposal, requiring relocating a portion of the MetroNorth railroad tracks.

31-4 Comment noted. See response to comments below

Comment Summary 31-5: On issue after issue, Millennium has submitted to the public record various representations of the fact and interpretations of law that are misleading and, at times, so clearly erroneous that they raise questions

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about Millennium's credibility and veracity in general. To name just a few examples: 1) with respect to CZMA compliance, Millennium has misrepresented to the Commission (and NYSDOS) that the coastal zone review process is "moot," when in fact the CZMA has unquestionably been triggered and the review process is ongoing; 2) with regard to PCBs in the Hudson River, Millennium relies on a small number of its own test samples to claim that the pipeline will have no impacts on the Hudson River water quality or fisheries; 3) with respect to the dioxin contamination issue, Millennium has submitted statements to the public record claiming that no significant amounts of dioxin could possibly be present along the right-of-way; and 4) Millennium has stated that it is working closely with Village of Croton-on-Hudson officials and that village officials have consented to a route, whereas the village has not consented to or is otherwise working closely with Millennium on any of the proposed routes.

31-5 Comment noted.

Comment Summary 31-6: The SDEIS contains a very brief statement that methanol may be injected into the pipe to evaporate excess water after hydrostatic testing. Methanol is a volatile organic compound that is regulated under the Clean Air Act and equivalent New York State programs. It can also be a hazardous waste regulated under the Resource Conservation and Recovery Act (RCRA). The village is concerned about potential impacts to air and water quality associated with the use of methanol. There is no information in the SDEIS on the amount of methanol to be used or stored on site, whether methanol emissions or methanol-contaminated liquid wastes will be generated, and if so, where and how such wastes will be managed.

31-6 Using methanol to dry the pipeline is a fairly standard practice in the industry. Since methanol is regulated, Millennium would be required to store it in compliance with Federal and state regulations in approved locations off-site of the right-of-way and in appropriate containers. The quantity of methanol used would be only what is needed to dry the pipeline. Disposal would be in accordance with Federal and state regulations in appropriate facilities.

Comment Summary 31-7: For those of us who live along the ConEd right-of-way (and the proposed ConEd Offset Alternative), a 20-hour construction work day is unacceptable. Communities have rules and regulations regarding construction hours and these rules should be followed. In addition, the summer programs at Teatown Lake Reservation and other regularly scheduled programs should be taken into consideration when selecting a route. Construction intrusions that may affect these programs should be limited.

31-7 The 20-hour construction work day was proposed for the 9/9A Proposal to allow installation of the pipeline within the shoulder of U.S. Route 9 and State Route 9A, while avoiding peak traffic periods and minimizing the duration of disruption along these roadways. Construction on the ConEd Offset/Taconic Parkway Alternative would be done only during the daylight hours (normally, 7 a.m. to 7 p.m.). We have also recommended that Millennium develop a site-specific construction plan in consultation with the Teatown Lake Reservation. This plan could further limit the time when construction activities occur provided these restrictions do not unduly delay completion of construction.

Comment Summary 31-8: There is a rock wall behind our house that could be 100 years old or more. The historic value of these rock walls should be determined and these walls should not be disturbed regardless of their historic value.

31-8 Construction and operation of the pipeline and associated facilities could potentially affect historic, archeological, and/or architectural properties that are listed on, or that meet the criteria for listing on, the NRHP. In accordance with our procedures for implementing Section 106 of the NHPA, for each NRHP-listed property, or each property meeting the NRHP-listing criteria, that lies within the project's area of potential effect, the Commission, in consultation with the New York SHPO, would determine if the property would be affected. Mitigation measures to avoid or minimize these impacts would be developed for these historic properties.

Comment Summary 31-9: Since the PSCNY and ConEd have both opposed using ConEd's right-of-way for safety reasons, it was assumed that the project would not be pursued further.

31-9 The PSCNY is not opposed to the use of the ConEd electric right-of-way for the proposed project. Millennium and the PSCNY have agreed to the implementation of the SMOU (see appendix G) which has the PSCNY's recommendations for pipeline design, construction, and operation within 1,500 feet of ConEd's electric lines.

Comment Summary 31-10: At the March 8, 2001 meeting, the Town Board of the Town of Warwick adopted a resolution requesting that Columbia submit its plans to the Town Board and Planning Board for review to determine how those plans impact the town, how those impacts may be mitigated, and how the project can proceed in a way that recognizes and meets the mutual interest of the company as well as the town. The town hopes the FERC will support this resolution.

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31-10 The crossing of the Town of Warwick is shown on the maps in appendix B of the FEIS and mitigation measures are described throughout the FEIS, including plans for the crossing of the Black Dirt Area (Black Dirt Plan in appendix E2 of appendix E). Detailed alignment sheets of the crossing can be obtained from Millennium.

Comment Summary 31-11 LNG should not run in this pipeline. LNG can leak and seep into the groundwater.

31-11 LNG (liquefied natural gas) is not proposed for transportation in this pipeline.

Comment Summary 31-12: The U.S. Department of Health and Human Services stated that the SDEIS has addressed potential concerns and planned mitigation measures that should minimize potential impacts if adequately implemented as described in the SDEIS.

31-12 Thank you for your comment.

32. PROPERTY VALUES (O12, Various WC)

Comment Summary 32-1: As a realtor, commenter is familiar with the thought processes buyers use in selecting a home and a community. Physical appearance is a primary motivator. Unlike the destruction of a tornado or even a strip mine, the lovely surroundings will be scarred by an enormous swath of destruction and can never be remedied.

32- As currently proposed in the ConEd Offset/Taconic Parkway Alternative, the pipeline would be installed within and along an existing ConEd right-of-way that has been in the community for years. While construction of the pipeline would result in temporary visual (and physical) impacts, these impacts would be mitigated over time.

Comment Summary 32-2: Fears that property values will drop precipitously and then steadily erode are not unfounded. People have left other places to come here for the clean air, beautiful scenery, walking trails through the woods, and opportunities for children to learn about the natural progressions for nature. No longer. Fewer buyers mean lowered prices. Many current residents will wish to leave leading to more sellers. More sellers with fewer buyers means lowered property values. Taxes will be grieved because assessed valuations will not reflect new lowered market values. Property taxes pay for schools and funding will be eroded.

32-2 We note that the ConEd right-of-way has existed within the community for years. While we recognize that construction will result in temporary visual impacts and disruption, and the loss of some mature tree stands, we believe these impacts will be mitigated over time as vegetation is reestablished and trees return within the temporary work space. Millennium states that it would work with landowners to develop site-specific plans to customize construction for each property by minimizing tree removal to the extent possible and providing screening trees and plants where necessary. We do not believe that construction and operation of the pipeline in and of itself would cause a migration of people out of the area.

Comment Summary 32-3: Real estate agents have told residents that a natural gas pipeline will devalue property.

32-3 We have no evidence that the presence of the pipeline would negatively affect property value.

Comment Summary 32-4: The SDEIS states that pipeline easements would not create a measurable loss to property values. Please provide site-specific studies on property values for our area that consider proximity to nuclear power plants, incinerators, transmission lines, and destruction of the ecosystems.

32-4 The Real Estate Counseling Group of Connecticut, Inc. has done several studies on the impact on property values as a result of the proximity to electric transmission and pipeline rights-of-way. Several other studies have also been completed by individual appraisal groups in various parts of the country. Since proximity to nuclear power plants and incinerators are beyond the scope of this EIS, we are not aware of studies that may have been done for these types of facilities.

Comment Summary 32-5: The investment in the home is one of the largest investments and may be severely affected. The forest behind the homes along the ConEd right-of-way provides privacy and shields the view of the powerline structures. The FERC says that property value is not in its jurisdiction. It is unacceptable to state that property owners must deal with Millennium/Columbia regarding land taken by eminent domain.

32-5 Although Millennium may exercise its right to acquire its easement by eminent domain (if the project is certificated by the Commission), it must still attempt to negotiate an easement with landowners. We believe

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the landowner can best identify his/her concerns and work with Millennium to develop appropriate resolution of these concerns.

33. DIOXIN (C2, C13, C14, Various WC)

Comment Summary 33-1: The PSCNY's records indicate that ConEd historically applied an herbicide containing 2,4-D and 2,4,5-T along portions of the ConEd right-of-way. Of primary concern is that 2,4,5-T is known to contain a production byproduct 2,3,7,8-TCDD (dioxin), a highly toxic substance that is designated as a known carcinogen. Dioxin could become unearthed, airborne, or otherwise released into the environment during blasting, excavation, and other pipeline construction activities and could enter surface waters or drinking water via stormwater runoff.

Leaching, groundwater transport, and volatilization are not typically significant migration routes for these compounds. See additional discussion on dioxin in section 6.2.6 of the FEIS.

Comment Summary 33-2: Compounded with ConEd's complete silence on the issue of its herbicide applications, Millennium has submitted statements to the public record that are unconscionably misleading.

Comment noted. See discussion on dioxin in section 6.2.6 of the FEIS.

Comment Summary 33-3: In the late 1970s, ConEd used dioxin-2,4,5-T as a defoliant for the ConEd right-of-way corridor. The EPA subsequently banned the use of this dioxin. The half-life of this toxic substance is not known and the substance may remain on the right-of-way that is currently undisturbed. With the tremendous amount of rock blasting that would be required to install the pipeline, this substance could drift and affect citizens and environmentally sensitive areas for miles.

ConEd applied the herbicide prior to the early 1980s in accordance with label instructions on the maintained, cleared portion of its right-of-way, not in the areas outside of the cleared area where Millennium proposes to install the pipeline. See section 6.2.6 of the FEIS for additional information.

Comment Summary 33-4: Protocol for dioxin sampling of the ConEd right-of-way is submitted to the FERC for its review and approval.

See discussion on dioxin in section 6.2.6 of the FEIS.

Comment Summary 33-5: While ConEd is not opposed to dioxin sampling of its right-of-way, it requests that the FERC establish guidelines for the sampling so that all parties are in agreement on protocols.

Comment noted. See discussion on dioxin in section 6.2.6 of the FEIS.

34. CUMULATIVE IMPACTS (F1)

Comment Summary 34-1: The SDEIS includes a more comprehensive analysis of cumulative effects than the DEIS.

Thank you for your comment.

35. NEW YORK STATE THRUWAY (S2)

Comment Summary 35-1: Cross-sections for the pipeline segment along the New York State Thruway Authority property show the pipeline could be within 0 to 7 feet of the highway property. This is unacceptable. No pipeline will be permitted in close proximity to the roadway or rock slopes that may affect current and future work.

The pipeline would be placed outside of the Thruway property.

36. METRO-NORTH (O4)

Comment Summary 36-1: The original proposed route would have required a single crossing of the Metro-North's Hudson Line in Cortlandt where the trains are propelled by diesel. The 9/9A Proposal would parallel the Hudson Line and would require two additional crossings of the railroad in Croton-on-Hudson. The two additional crossings would be where an electric rail is present on the main tracks as well as numerous yard tracks. The ConEd Offset/Taconic Parkway Alternative would require one crossing of the Hudson Line in Cortlandt where the potential hazard of stray DC currents that could emanate from an electric third rail would be eliminated.

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36-1 Comment noted.

Comment Summary 36-2: The proposed route would continue to Mount Vernon where it would need to cross the Harlem Line and possibly the New Haven Line, both of which are operated with an electric third rail. Metro-North will continue to work with Millennium to develop the safest possible methods for these crossings. However, because the ConEd Offset/Taconic Parkway Alternative would avoid two crossings of the Hudson Line in Croton-on-Hudson where there is an electric rail, Metro-North supports this alternative.

Thank you for your comment.

Comment Summary 36-3: Metro-North has not yet reached agreement with Millennium regarding the specifications and other details of any of the three crossings of the Metro-North lines. While it is assumed that these negotiations will be positive, Metro-North will bring any significant problems to the attention of the Commission and the PSCNY. Metro-North requests that the Commission include a condition that Millennium address all relevant safety concerns.

Millennium has stated that it will comply with any relevant work safety and other construction specifications that Metro-North may require and that it would file the detailed plans and design drawings with the Commission before construction (see section 5.8.2 of the FEIS, Commercial/Industrial Areas). We have added a recommendation that Millennium may not begin construction across the Metro-North railroad tracks until these plans have been reviewed and approved in writing by the Director of OEP.