



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

January 28, 1999

Mr. Richard E. Hall, Jr.
Columbia Gas Transmission Corp
P.O. Box 2002
Binghamton, NY 13902-2002

Re: F-98-173 Federal Energy Regulatory Commission and
U.S. Army Corps of Engineers/Buffalo and New York
District Permit Application - Millennium Pipeline
Request for Additional Information

Dear Mr. Hall:

We have received the Federal Consistency Assessment Form (FCAF) and supporting information regarding your company's proposal to construct and operate a 442.5 mile natural gas pipeline system across New York State. Based on our review of the submitted documentation, the information contained in your Joint Permit Application and its Appendices is inadequate for our review of the proposal and your FCAF and consistency certification. The coastal policy assessment contained in Appendix N does not adequately address the potential effects of the proposed project on public lands, water uses and natural resources in the coastal area.

Therefore, pursuant to 15CFR Part. 930.58, additional data and information is necessary in order for us to commence our review of the proposal for its effects on and consistency with New York's Coastal Management Program. The information must include a more detailed assessment that describes the effects of the proposal on the State's coastal policies. That assessment must demonstrate how the proposal would affect, and be consistent with, the applicable coastal policies.

The submitted Federal Consistency Assessment Form correctly indicates that the proposed activity would occur in the State designated Haverstraw Bay significant coastal fish and wildlife habitat. To determine the consistency of that activity with the State's significant coastal fish and wildlife habitat policy (Policy #7), a narrative assessment is required that demonstrates how the activity would be undertaken in a manner that protects and preserves the designated habitat. That assessment should include sufficient information to determine whether the activity would destroy the habitat, or significantly impair the viability of the habitat, by affecting important physical, chemical, or biological parameters that the habitat is dependant upon.

A significant habitat impairment is a reduction in vital resources or changes in environmental conditions beyond the tolerance range of organisms. Significant habitat impairments include ecological alterations and may include, but are not limited to, reduced carrying capacity, changes in community structure, reduced productivity,

and/or increased disease and mortality. Any activity that substantially degrades water quality, increases turbidity or sedimentation, or alters water salinities or temperatures in Haverstraw Bay would result in a significant impairment of the habitat. These impacts would be especially detrimental during fish spawning and early developmental periods. Your permit application documentation and consistency certification does not address these issues, which must be addressed in order to assess the consistency of the proposed activity with Coastal Policy #7. A narrative assessment of all the effects on the designated habitat needs to be provided for all phases of construction and post construction activities and conditions. Significant habitat impairments could result from, but are not limited to, drainage, stormwater runoff, in-water work, scheduling of activities, vibration, stream bank and bed disturbances and disturbances to underwater lands, and barriers of passage to resident and migratory fish using the Haverstraw Bay portions of the Hudson River.

In our March 24, 1998 letter to the Federal Energy Regulatory Commission (copy enclosed), we indicated that a copy of the Draft Environmental Impact Statement for the proposal would be necessary for our review. That document should include a narrative assessment of the effects of the entire project on and its consistency with all of the applicable State Coastal Policies relating to land and water uses, natural resources, energy, development and cultural resources. That assessment should be included after all relevant issues have been fully assessed and addressed in the EIS. Without that information the consistency of the proposal with the NYS Coastal Management Program cannot be addressed.

Pursuant to 15 CFR Part 930.60(a), our review of your consistency certification will begin after we receive this information and determine whether it and all other necessary data and information is adequate to assess the effects of the proposal on the coastal zone. Any additional information which you believe will facilitate our consistency review of this project would be appreciated. If this necessary data and information is not provided, the Department of State may object to your consistency certification on the grounds of insufficient information

Please call me at (518) 486-3047 if you have any questions.

Sincerely,



Gary J. Haight
Coastal Resources Specialist
Consistency Review Unit
New York Coastal Management program

GJH/bos

encl: March 24, 1998 letter to FERC

c: COE/New York District - James Haggerty
COE/Buffalo District - Art Marks
FERC - David Boergers
USFWS - Ann Secord
NMFS - Diane Rusanowsky
NYSDEC Region 3 - Margaret Duke
NYSDEC Region 9 - Steven Doleski
NYS Office of General Services - Lou Gnip



DEPARTMENT OF STATE

George E. Pataki
Governor
Alexander F. Treadwell
Secretary of State

Division of
Coastal Resources
41 State Street
Albany, NY 12231-0001

November 29, 1999

Mr. Richard Hall, Jr.
MPL Permitting Manager
Columbia Gas Transmission Corp.
P.O. Box 2002
Binghamton, New York 13902-2002

Re: Millenium Pipeline Company, L.P.
FERC Docket No. CP98-150-000

Dear Mr. Hall:

As previously discussed, the Department of State (DOS) will commence its consistency review of the Millenium Pipeline project at the time it receives the final environmental impact statement (FEIS) from the Federal Energy Regulatory Commission (FERC). The following information is the "punch list" of information necessary in order for DOS to conduct its consistency review of the proposal pursuant to 15 CFR Part 930.

The information and analysis leading to a fully supported conclusion regarding the consistency of the proposal with Policy #7 of New York's Coastal Management Program (CMP) and the State's legislative declarations of policy should include an analysis of the effects of the proposed crossing of Haverstraw Bay on:

- physical parameters such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
- biological parameters such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral and migratory patterns; and
- chemical parameters such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

In some instances the material provided by Millenium to DOS on October 26, 1999 includes a discussion of "potential impacts" related to the State designated Haverstraw Bay Significant Coastal Fish and Wildlife Habitat and bioaccumulation of contaminants (see narrative information relating to Policies 7 and 8 on pages 19 and 20), rather than actual effects. There is a continuing need for:

- information describing the actual effects of the proposal on the designated habitat area and its important components and their functions and values;
- information indicating whether or not those effects would be significant or would have any significance when compared against important physical, biological, and chemical parameters (see previous information requirements regarding these parameters) of the Haverstraw Bay habitat, and when compared against:

habitat documentation regarding ecosystem rarity, species vulnerability, human uses of the area or species dependent on it, population levels of important species, and

2. habitat documentation indicating the habitat is irreplaceable.

The information provided to DOS, including the materials provided on October 26, 1999, indicates that the proposed crossing of Haverstraw Bay, by dredging and backfilling, would be done over a period of approximately three months. This information

Mr. Richard Hall, Jr.
November 29, 1999
Page 2.

also indicated that the crossing is expected to be started and completed between July 1 and September 30. There is a need to provide information that:

- analyzes the effect of the proposed activity upon the habitat during this ecologically sensitive time period.

At the November 19, 1999 meeting Millenium and it's consultants were advised that the Department of State needs to know, based on competent scientific evidence:

- whether or not the 1.5% of the designated habitat that would be dredged is more or less valuable or significant, or used more or less by important species, than other areas of the habitat; and
- when important species use the area.

Finally, the background information in the materials submitted on October 26, 1999 indicates that Millenium's provision of natural gas would be of importance to New York and other states. However, the coastal policy analysis on pages 15 through 41 do not reflect certain important benefits of new supplies of natural gas as a source of energy. Therefore, information should be provided that indicates whether and how the natural gas supplies provided by the proposal would achieve those applicable policies.

The preceding information is necessary in order for DOS to adequately review the proposal and make its consistency decision pursuant to 15 CFR Part 930. It must be received in a timely manner, however, failure to receive it prior to receipt of the FEIS will not delay the commencement of our review. While submitting complete information ensures a decision on the merits, please be aware it does not guarantee a particular conclusion or decision.

If you have any questions, please contact me at (518) 473-2470 (e-mail sresler@dos.state.ny.us).

Sincerely,

Steven C. Resler
Supervisor of Consistency Review and Analysis
New York Coastal Management Program

SCR/bms

c: FERC - Jennifer Goggin
COE/NY - James W. Haggerty/George Nieves
NYSDEC/Albany - Richard Benas
NYSDEC/Region 3 - Peg Duke
NYSOGS - Alan Bauder
NYSOPRHP - Tom Lyons
NMFS - Michael Ludwig/Diane Rusanowsky
USFWS - David Stillwell
USEPA/Region II - Dan Montella
Sidley & Austin - Frederick G. Berner, Jr.
LeBouef, Lamb, Greene & MacRae - Thomas West

February 26, 1999

Mr. Gary J. Haight
Coastal Resource Specialist
Consistency Review Unit
New York Coastal Management Program
State of New York
Department of State
Albany, NY 12231-0001

Re: F-98-173 FERC Certification and USACOE Joint Permit - Millennium Pipeline Project

Dear Mr. Haight:

Millennium is providing the following information in response to your letter of January 28, 1999. This information is a summary of information provided to the Federal Energy Regulatory Commission (FERC) and the New York State Department of Environmental Conservation (NYSDEC) concerning the construction of the Hudson River crossing.

Alternative Crossing Locations

In view of the importance of selecting an appropriate location for the Hudson River crossing, Millennium has undertaken a variety of studies and analyses. The following summarizes information provided to the FERC and NYSDEC in various submittals regarding the river crossing.

The Millennium pipeline will cross the Hudson River at Haverstraw Bay. The location of the crossing reflects both pragmatic and site-specific considerations. The proposed pipeline route follows existing utility right-of-ways (ROW) to Orange & Rockland Utilities' (O&R) Bowline Generating Station on the west bank of the Hudson River. The generating station is a likely future customer of Millennium. In addition, the generating station property contains ample space for staging areas from which the Hudson River crossing can be safely executed. There are no jurisdictional wetlands along the west bank of the Hudson River at the proposed crossing location.

Landfall on the east bank of the Hudson River lies within property owned by the Veterans Administration. There are no jurisdictional wetlands along the east bank of the Hudson River at the proposed crossing location. The landfall site provides ample staging for the river crossing. It also provides ready access to Consolidated Edison's

(ConEd) north-south trending powerline ROW system through Westchester County. The ConEd ROW system has been identified as an environmentally suitable corridor, which provides access to southern Westchester County and the proposed eastern terminus and delivery point in Mount Vernon, New York.

Alternative approaches to Mount Vernon through Westchester County were considered, but were considered to be inferior for a number of reasons including ability to construct, environmental impacts, cultural resources impacts, disruption to businesses during construction, transportation system disruption during construction, and proximity to heavily built-up locations.

The proposed crossing location has the following advantages:

- The western approach route to the Hudson River crossing lies entirely along existing utility ROWs.
- The western approach to the Hudson River crossing has been routed to serve a facility that is projected to be a major customer of the pipeline. This section of pipeline will be built as part of the project even if the Hudson River crossing location were to be moved. Thus, utilizing the approach route to O&R's Bowline Generating Station as the approach route to the Hudson River crossing minimizes the amount of pipeline that will be built.

The eastern landfall location for the Hudson River crossing accesses the ConEd ROW at one of its nearest approaches to the Hudson River thus minimizing the length of the proposed route through previously undisturbed lands.

The proposed crossing location will not affect jurisdictional wetlands.

Alternative Hudson River crossing locations have the following disadvantages:

- In terms of the western approach to the Hudson River, changing the location of the Hudson River crossing would involve either rerouting the western approach through the heavily populated area along the west bank of the river or rerouting miles of the proposed route in counties west of the river away from existing pipeline ROWs onto previously undisturbed land. Either of these options would involve lengthening the proposed route. The additional length and the routing of the pipeline through heavily populated areas and/or through previously undisturbed lands would undoubtedly result in greater overall project-related environmental impacts.
- In terms of the eastern approach to the Hudson River, nearly any other crossing location will involve lengthening of the proposed route through previously undisturbed and/or heavily populated areas between the river and the ConEd ROW.
- Any alternative Hudson River crossing location would need to be evaluated for potential jurisdictional wetland impacts.

Millennium recognizes that the proposed location of the Hudson River crossing is not ideal in all respects. These include:

- The proposed Hudson River crossing is approximately 2.4 miles long. This length precludes the use of directional drilling in order to construct the crossing. Thus, the river crossing will need to be constructed using open trenching techniques.
- The proposed Hudson River crossing is located within the northern end of the state-designated Haverstraw Bay where there are significant coastal fish and wildlife habitat.
- The proposed Hudson River crossing is located within an area of the river utilized by the shortnose sturgeon (*Acipenser brevirostrum*), a species on the Federal endangered species list.

Protection and Preservation of the Environment

Construction Timing. In view of the importance of the Hudson River and its associated resources, Millennium has undertaken a program of data collection, modeling of construction-related conditions, and coordination with appropriate state and Federal agencies. The following summarizes these efforts.

Millennium believes that the construction of the Hudson River crossing must be accomplished in a manner that minimizes potential impacts on the environment and, in particular, on the shortnose sturgeon. For this reason, the Hudson River crossing must be constructed within as short a time frame as is feasible and the construction must occur during an appropriate time of year. Millennium believes that the Hudson River crossing cannot be constructed in less than 3 months. At present, Millennium has identified November 1 to January 31 as the most appropriate timing window for construction.

The length of time required for construction of the river crossing is dependent, in part, on the amount of equipment that can reasonably be committed to constructing and backfilling the trench across the river. Millennium believes that it will be possible to locate contractors with sufficient equipment to construct the crossing within the 3-month time limit. Shortening this time frame would involve adding additional equipment, which would have implications for the water quality considerations discussed below. In addition, there are constraints involving the number of pieces of barge-mounted equipment that can safely and effectively operate within the construction zone in the river simultaneously.

In terms of the timing of construction, a late fall to early winter construction period avoids the spring spawning period for the shortnose sturgeon. In addition, the proposed timing period avoids construction during the spawning period for other fall-spawning fish. Based on the information that has been reviewed, shortnose sturgeon in the Haverstraw Bay area are likely to be congregating in the deeper waters of the navigation channel during the winter months. The proposed time frame avoids disturbing the shallows along the west and east shore of the river during the time when these areas would be likely to be used by the shortnose sturgeon.

Millennium is still conducting discussions with the National Marine Fisheries Service and NYSDEC concerning the appropriate timing of construction of the Hudson River crossing. Millennium will inform all agencies involved with Hudson River crossing issues of the agreement reached as a result of these on-going discussions.

Construction Methods. Millennium has evaluated several methods for constructing the Hudson River crossing. NYSDEC has asked Millennium to evaluate the use of directional drilling methods for constructing this crossing. As indicated above, the length of the crossing makes directional drilling infeasible.

Millennium has proposed to construct the crossing using open trench techniques. In particular, Millennium has proposed to construct the crossing using mechanical dredging. This technique is the same technique used by the U.S. Army Corps of Engineers (COE) to perform maintenance dredging in Hudson River navigation channels. Material dredged from the trench would be placed into the river adjacent to the trench and would be used as cover once the pipeline has been placed into the trench.

NYSDEC has asked Millennium to consider the use of alternative dredging techniques. Millennium has conducted an evaluation of hydraulic dredging as an alternative to mechanical dredging. In its submission to NYSDEC, Millennium noted that the use of hydraulic dredging would involve removing a greater volume of bottom material from the river, since the geometry of the excavated trench could not be controlled during hydraulic dredging in the same manner as during mechanical dredging. Because of the limitations in the size of available hydraulic dredging equipment, hydraulic dredging would require a greater number of individual dredge units in order to complete construction in the same time period as conventional mechanical dredging. Thus, the number of localized areas in the construction area where turbidity and sedimentation would be increased would be higher if hydraulic dredging were employed.

In addition, hydraulic dredging would require difficult decisions concerning the appropriate disposition of the dredged material. As indicated above, Millennium plans to place the mechanically dredged material into the river along the trench and use this material to backfill the trench once the pipeline has been set into place. The use of a similar strategy involving hydraulic dredging would result in a considerably greater generation of turbidity during both construction of the trench and during backfilling. This is due to the high water velocities employed in hydraulic dredging equipment and the quality and settling velocities of the sediment being dredged.

The only other alternative to placement of hydraulically dredged material into the Hudson River would be upland disposal within an impoundment. This impoundment would need to be located adjacent to the Hudson River in the vicinity of the crossing. There are no locations available in this vicinity with sufficient space to construct such a facility.

In view of all of these considerations, Millennium believes that mechanical dredging is the best feasible construction method for the Hudson River crossing.

Various aspects of the Hudson River crossing construction plan have been identified above. The following is a more detailed description of the plan. The trench will be excavated by mechanical dredging. The trench will be excavated to a sufficient depth to provide 5 feet of cover over the pipeline outside of the navigation channel and 15 feet of cover within the navigation channel. The depth of the pipeline is governed by the U.S. Department of Transportation regulations and by the COE regulations for navigation channels. The dredge spoil will be placed into the river alongside and on both sides of the trench. The height of these dredge spoil piles will be limited so that the piles will not be exposed above the water line and will not constitute a barrier to fish passage and migration. The pipeline will be laid into the trench. The trench will be backfilled using the material stored along the trench. If it becomes necessary to import material in order to backfill portions of the trench, any such cover material will meet COE specifications. Turbidity curtains will be employed at the surface to control turbidity generated by the construction activities.

The implementation of this plan involves several important environmental considerations. First, the size and shape of the spoil piles within the river will be dependent on the physical characteristics of the material dredged from the bottom of the Hudson River. Second, the chemical quality of the dredged material could be such that it would be undesirable to move it from place to place within the river. Third, the dredging activity itself will generate some level of turbidity and suspension of bottom material within the water column.

In order to evaluate these issues, Millennium conducted data collection, analysis and modeling involving the bottom material in the Hudson River. The results of these efforts are contained in the report *Predicted Sediment and Contaminant Concentrations, Hudson River, Millennium Pipeline Crossing, Haverstraw Bay, New York* (Appendix K of the Joint Permit Application forwarded to you in November 1998). Sediment cores were collected from the Hudson River and analyzed for physical and chemical characteristics. The resulting characteristics were used to model the sediment plume generated by construction activities in the river. The modeling program used was developed for similar applications by the COE.

The results of the sediment analysis indicated that the sediments are composed primarily of silt, clay and sand. The physical characteristics of the sediments indicate that the spoil piles within the river will have relatively shallow side slopes and that the resulting resuspension of materials from these piles, once they have reached equilibrium conditions, will be relatively minor. Thus, the rate of erosion and transport of these materials should be insignificant.

The chemical analyses of the samples indicated that the sediments contained a variety of heavy metals and some semi-volatile organic compounds. However, modeling of the transport of chemical parameters contained in the sediments during construction

indicated that only lead concentrations would exceed NYSDEC water quality standards for the Hudson River at a distance of 200 meters from the dredge site during construction activities. Lead concentrations would fall below NYSDEC water quality standards for the Hudson River at an estimated distance of 1,250 meters from the dredge site. The area of Haverstraw Bay estimated to be affected by lead concentrations exceeding NYSDEC water quality standards is expected to be less than 0.5 percent of the total area of the bay for each mechanical dredge operating during construction.

Total suspended solids concentrations are predicted to be between 320 and 730 mg/l at the site of construction activities. The visible plume resulting from the dredging operations is expected to extend approximately 650 to 1,550 meters from the dredging site during dredging and backfilling operations. This plume will occupy approximately 0.5 percent of the total area of Haverstraw Bay for each mechanical dredge operating during construction.

Erosion and Sedimentation Control. The construction of the Millennium pipeline will also affect the banks of the Hudson River and lands that drain into the Hudson River. However, appropriate erosion and sedimentation devices will control any runoff from disturbed land. An approved Erosion and Sedimentation Control plan will be adhered to during construction.

Post Construction Conditions. Following construction, pre-construction conditions will prevail within Haverstraw Bay. The presence of a gas pipeline under the Hudson River will not affect water quality, habitat quality or biological organisms in Haverstraw Bay.

Millennium believes that this information should be sufficient to address the issues raised in your letter of January 28, 1999. The Draft Environmental Impact Statement for the project should be issued soon by the FERC. This document may contain additional information that will assist you in your evaluation of the project.

If you have any questions concerning this information, please call me at (607) 773-9116.

Sincerely,

Richard E. Hall, Jr.
Millennium Permitting Manager



March 26, 1999

Mr. Gary Haight
New York State Department of State
Division of Coastal Resources
41 State Street
Albany, NY 12231

Re: Millennium Pipeline Project – Materials Filed with the FERC

Dear Mr. Haight:

As promised at the Hudson River meeting on March 11, 1999, enclosed is a complete set of everything we have filed with the FERC concerning the Millennium Pipeline Project. The attached transmittal provides a detailed list of the materials enclosed. Also enclosed is a recent memo from Jennifer Goggin (FERC), which indicates a commitment to prepare a biological assessment for the shortnose sturgeon. I hope that these materials will be useful for your review of the Project.

Millennium would appreciate a copy of the environmental assessment for Haverstraw Bay that Mr. Steve Resler mentioned during the meeting, and any other materials that would assist us with our efforts to provide construction and mitigation plans. In addition, any information you may have that would assist with the biological assessment for the shortnose sturgeon and timing restrictions that the Division of Coastal Resources may have with regard to work in the Hudson or Lake Erie would also be appreciated.

Please let me know if we can provide further information or clarification on any of the materials provided to your agency. We would be happy to meet with you at your convenience. Millennium appreciates your efforts in the review of this Project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Linda C. Shumway', written over a horizontal line.

Linda C. Shumway
Environmental Project Manager

Attachments
Enclosures

cc: Jim Pullano (w/o enclosures)
Rick Benas (w/o enclosures)



COLUMBIA GAS TRANSMISSION CORP.
P.O. Box 2002, Binghamton, NY 13902-2002
Phone: (607) 773-9100 Fax: (607) 724-8471
Internet Address: www.millenniumpipeline.com E-mail: moreinfo@millenniumpipeline.com

Columbia Gas Transmission Corp.

TRANSMITTAL

No. L0700

1700 MacCorkle Avenue SE
Charleston, WV 25314

Phone: 800-832-3242

PROJECT: Millennium Pipeline Project

DATE: 3/25/99

NYS Coastal Resource Services
41 State Street
Albany, NY 12231-0001

REF: FERC Filings to Date

ATTN: Gary J. Haight

WE ARE SENDING:	SUBMITTED FOR:	ACTION TAKEN:
<input type="checkbox"/> Shop Drawings		<input checked="" type="checkbox"/> Approved as Submitted
<input type="checkbox"/> Letter		<input type="checkbox"/> Approved as Noted
<input type="checkbox"/> Prints	<input type="checkbox"/> As Requested	<input type="checkbox"/> Returned After Loan
<input type="checkbox"/> Change Order	<input type="checkbox"/> Review and Comment	<input type="checkbox"/> Resubmit
<input type="checkbox"/> Plans		<input checked="" type="checkbox"/> Submit
<input type="checkbox"/> Samples	SENT VIA:	<input type="checkbox"/> Returned
<input type="checkbox"/> Specifications	<input type="checkbox"/> Attached	<input type="checkbox"/> Returned for Corrections
<input type="checkbox"/> Other:	<input type="checkbox"/> Separate Cover Via:	<input type="checkbox"/> Due Date: -

ITEM NO.	COPIES	DATE	ITEM NUMBER	REV. NO.	DESCRIPTION	STATUS
001	1	3/25/99	LOT		March 2, 1999 Supplemental Responses to FERC Data Request No. 3 and No. 9 Submitted March 15, 1999 (Attached right-of-way cross-section drawings)	APP
002	1	3/25/99	LOT		March 9, 1999 FERC Data Responses to FERC Submitted March 15, 1999	APP
003	1	3/25/99	LOT		March 2, 1999 FERC Data Responses to FERC Submitted March 9, 1999 (w/attach Executive Summary of Lake Erie Ice Scour/Pipeline Design - Final Report and recent correspondence between Federal and State agencies)	APP
004	1	3/25/99	LOT		Lake Erie Ice Scour/Pipeline Design Final Report/Contract Report Prepared for TransCanada Pipeline Limited Submitted to FERC March 9, 1999	APP
005		3/25/99	LOT		March 16, 1998 Supplemental Response to FERC Data Request No. 29 Submitted February 26, 1999	APP
		3/25/99	LOT		February 2, 1999 FERC Data Response to FERC Submitted February 9, 1999	APP
		3/25/99	LOT		DEC Data Responses (as an attachment to the February 9, 1999 filing)	APP
008		3/25/99	LOT		December 22, 1999 FERC Data Responses to FERC Submitted January 15, 1999	APP
009		3/25/99	LOT		Supplemental Response to FERC Data Request No. 56 and No. 59 Submitted December 23, 1998	APP
010		3/25/99	LOT		December 15, 1998 MPL Project Specific Construction Alignment Sheet Notes (Wetlands)	APP
011		3/25/99	LOT		Volume 1 - Wetland Determination Forms Station 1956+80 to 10898+23 and Volume 2 Wetland Determination Forms Station 10965+86 to 22114+17 Submitted November 23, 1998	APP

Columbia Gas Transmission Corp.

TRANSMITTAL
No. L0700

1700 MacCorkle Avenue SE
Charleston, WV 25314

Phone: 800-832-3242

ITEM NO.	COPIES	DATE	ITEM NUMBER	REV. NO.	DESCRIPTION	STATUS
012		3/25/99	LOT		October 5, 1998 FERC Data Response Submitted November 20, 1998	APP
013		3/25/99	LOT		Joint Permit Application Submitted to FERC November 20, 1998	APP
014		3/25/99	LOT		October 5, 1998 FERC Data Responses to FERC Data Request No. 4, 59 and No. 60 Submitted November 10, 1998	APP
015		3/25/99	LOT		October 5, 1998 FERC Data Responses Submitted November 2, 1998	APP
016		3/25/99	LOT		October 5, 1998 FERC Data Responses Submitted October 27, 1998	APP
017		3/25/99	LOT		October 5, 1998 FERC Data Responses Submitted October 20, 1998	APP
018		3/25/99	LOT		March 16, 1998 FERC Data Response to FERC Data Request No. 4 and 50 Submitted October 2, 1998 (with insert of Typical Right-of-Way Cross Sections)	APP
019		3/25/99	LOT		Predicted Sediment and Contaminant Concentrations Hudson River Millennium Pipeline Crossings at Haverstraw Bay, NY Submitted September 30, 1998	APP
020		3/25/99	LOT		March 24th and May 25th, 1998 DEC Comments Submitted July 31, 1998	APP
021		3/25/99	LOT		March 16, 1998 FERC Data Responses No. 32, 52, 55, 57 and Revised Exhibit B Table to FERC Data Requests Submitted June 23, 1998	APP
022		3/25/99	LOT		March 16, 1998 FERC Data Responses 1-57 to FERC Submitted April 6, 1998	APP
023		3/25/99	LOT		Environmental Construction Standards (November 1998)	APP
024		3/25/99	LOT		Exhibit F-IV Environmental Report, Millennium Pipeline Project Docket No. CP98-000 Resource Report 1-12 December 22, 1997	APP
025		3/25/99	LOT		U.S.G.S Quadrangles (black and white) Sheet 3-66 (November 20, 1998)	APP
026		3/25/99	LOT		Black and White Construction Alignment Sheets 1-138 (November 20, 1998)	APP
027		3/25/99	LOT		TransCanada Pipeline Millennium Pipeline Project Lake Erie Crossing - Volume 1 - Shallow Hazards Survey Geophysical Program	
028		3/25/99	LOT		Data Request No. 86 Drawing No. 8525-GIS-5250- thru 8525-GIS-5275	APP
029		3/25/99	LOT		Detail Storage Yards 8525-GIS-5090 thur 8525-GIS-5096	APP
030		3/25/99	LOT		Proposed Lake Erie Crossing 11x17	APP

Remarks:

CC:

Signed: 
Linda Shumway

Public File

Millennium Pipeline Company L.P.) Docket No. CP98-150-000
Columbia Gas Transmission) Docket No. CP98-151-000
Corporation)

MEMORANDUM TO FILE
(March 8, 1999)

This memorandum documents the February 24, 1999 telephone conference with staff and the National Marine Fisheries Service (NMFS) about the Millennium Pipeline Company L.P.'s (Millennium) proposed Millennium Project.

Jennifer Goggin, Jeffrey Shenot, James Martin, and Joanne Wachholder of FERC along with Patricia Patterson of Foster Wheeler Environmental (FERC staff third-party environmental contractor) conducted a telephone conference with Diane Rusanowsky and Nancy Haley of NMFS. The purpose of the conference was to coordinate review under the Endangered Species Act of potential impacts on the federally protected endangered and threatened species, which are under the jurisdiction of NMFS, at the proposed crossing location in the Haverstraw Bay area of the Hudson River (milepost 387.9).

Overwintering Issues - Construction Timing

Ms. Haley indicated that there is limited data about the shortnose sturgeon's overwintering locations within Haverstraw Bay, but one segment of the population is known to overwinter there. Haverstraw Bay is also used by shortnose sturgeon as a feeding area in the spring, summer, and fall. Pipeline construction across Haverstraw Bay would probably result in both indirect and direct adverse effects on the shortnose sturgeon no matter what time of year construction occurred. Potential indirect impacts would include displacement of the fish from the area and direct impacts would be mortality, i.e. the taking of fish.

The proposed construction window from November 1 to January 31 is likely to have greater direct impacts on the shortnose sturgeon than a crossing during a warmer time of the year since the sturgeon are torpid in winter and would be more vulnerable and less able to move out of the way of construction activities. This could result in greater fish mortality. The proposed construction time window would not mitigate any harmful effects of construction on the shortnose sturgeon. Changing the construction time window to warmer months would probably affect other species that are not threatened or endangered. Dredging time windows have not been established by the U.S. Army Corps of Engineers for Haverstraw Bay.

~~PROCESSED~~
22
MAR 8 1999

990317.0209.2

Existing Habitat Data - Need for Survey

Ms. Haley informed staff that there has not been any directed sampling for shortnose sturgeon at the crossing location during the winter months. However, sampling that was done within Haverstraw Bay at locations between river miles 34 (vicinity of Croton Point) and 39 (vicinity of Peekskill) found incidental occurrences of the shortnose sturgeon during the winter months. Ms. Rusanowsky and Ms. Haley indicated that sampling should be conducted a season in advance at the proposed crossing location during the intended crossing time window in order to best evaluate the impact of construction on any shortnose sturgeon overwintering within Haverstraw Bay. This information would be used by NMFS in its biological opinion.

The effect of the sediment plume created by trench excavation on vegetation in Haverstraw Bay should also be evaluated. Minimal dredging has occurred in the shipping lanes through Haverstraw Bay. No studies have been conducted about the effect of dredging activities on Haverstraw Bay or on the shortnose sturgeon.

Alternative Construction Methods

We were informed that the hydraulic construction method would have a greater impact within Haverstraw Bay than the proposed mechanical dredging method of trench excavation.

Atlantic Sturgeon

Ms. Haley mentioned that a Federal species of concern, the Atlantic sturgeon, is also present in the Hudson River. A petition for its inclusion on the Federal threatened and endangered species list was denied in September 1998, therefore nothing needs to be done under the Endangered Species Act for this species. NMFS is concerned, however, about the impact of the proposed project on this candidate species. Atlantic sturgeon juveniles overwinter in Haverstraw Bay and could be similarly affected by the project.

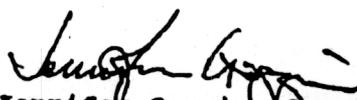
Alternate Route

In order to avoid a formal consultation with NMFS for the shortnose sturgeon due to pipeline construction across the Hudson River, Ms. Rusanowsky and Ms. Haley indicated that the river would have to be crossed at a location outside the Haverstraw Bay area that is not likely to be used by shortnose sturgeon. We discussed possible alternative locations to cross the Hudson River that would be along either an existing power line or Algonquin Gas Transmission Company rights-of-way that are about 3.3 miles north of the proposed crossing in Haverstraw Bay. These crossings are north of Tomkins Cove, New York on the west

3

side and Verplanck, New York on the east side of the Hudson River.

We discussed with NMFS staff our intention to include a biological assessment (BA) of the impact of the proposed Millennium Project in the draft environmental impact statement (DEIS). They indicated that this was an acceptable approach and they would file comments on the BA when the DEIS is issued.


Jennifer Goggin, Commission Staff
Office of Pipeline Regulation

cc: Public File, Docket Nos. CP98-150-000 and CP98-151-000
All Parties



March 24, 1998

George E. Pataki
Governor
Alexander F. Treadwell
Secretary of State

Mr. David P. Boergers, Acting Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC 20426

Re: Docket No. CP98-150-000
Millennium Pipeline Project

Dear Mr. Boergers:

We have received the Notice of Intent to Prepare an Environmental Impact Statement and Request for Comments on Environmental Issues issued by the Federal Energy Regulatory Commission sent on February 27, 1998 for the above referenced project.

As a portion of this proposed activity is to be located within the Coastal Zone of New York State and will likely require federal approvals, this project would be subject to review by the Department of State for its consistency with New York State Coastal Management Program. Please advise the applicant to provide us with the following information:

- 1 A completed and signed Federal Consistency Assessment Form (enclosed).
- 2 A copy of the application(s) along with any supporting documentation file with the Federal Energy Regulatory Commission.
- 3 A copy of the Draft Environmental Impact Statement.

Thank you for sending us the Notice of Intent and providing the opportunity to review the material concerning this proposed project. Please call Mr. Steven Resler at (518) 473-2470, if you have any questions.

Sincerely,


William F. Barton
Chief, Consistency Review and Analysis

c: Millennium Pipeline Company, L.P.
enc.

WEB:gjh

NYS DEPARTMENT OF STATE
Division of Coastal Resources and Waterfront Revitalization
Albany, NY 12231-0001
Voice: (518) 474-6000 Fax: (518) 473-2464



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

January 28, 1999

Mr. Richard E. Hall, Jr.
Columbia Gas Transmission Corp
P.O. Box 2002
Binghamton, NY 13902-2002

Re: F-98-173 Federal Energy Regulatory Commission and
U.S. Army Corps of Engineers/Buffalo and New York
District Permit Application - Millennium Pipeline
Request for Additional Information

Dear Mr. Hall:

We have received the Federal Consistency Assessment Form (FCAF) and supporting information regarding your company's proposal to construct and operate a 442.5 mile natural gas pipeline system across New York State. Based on our review of the submitted documentation, the information contained in your Joint Permit Application and its Appendices is inadequate for our review of the proposal and your FCAF and consistency certification. The coastal policy assessment contained in Appendix N does not adequately address the potential effects of the proposed project on public lands, water uses and natural resources in the coastal area.

Therefore, pursuant to 15CFR Part. 930.58, additional data and information is necessary in order for us to commence our review of the proposal for its effects on and consistency with New York's Coastal Management Program. The information must include a more detailed assessment that describes the effects of the proposal on the State's coastal policies. That assessment must demonstrate how the proposal would affect, and be consistent with, the applicable coastal policies.

The submitted Federal Consistency Assessment Form correctly indicates that the proposed activity would occur in the State designated Haverstraw Bay significant coastal fish and wildlife habitat. To determine the consistency of that activity with the State's significant coastal fish and wildlife habitat policy (Policy #7), a narrative assessment is required that demonstrates how the activity would be undertaken in a manner that protects and preserves the designated habitat. That assessment should include sufficient information to determine whether the activity would destroy the habitat, or significantly impair the viability of the habitat, by affecting important physical, chemical, or biological parameters that the habitat is dependant upon.

A significant habitat impairment is a reduction in vital resources or changes in environmental conditions beyond the tolerance range of organisms. Significant habitat impairments include ecological alterations and may include, but are not limited to, reduced carrying capacity, changes in community structure, reduced productivity,

and/or increased disease and mortality. Any activity that substantially degrades water quality, increases turbidity or sedimentation, or alters water salinities or temperatures in Haverstraw Bay would result in a significant impairment of the habitat. These impacts would be especially detrimental during fish spawning and early developmental periods. Your permit application documentation and consistency certification does not address these issues, which must be addressed in order to assess the consistency of the proposed activity with Coastal Policy #7. A narrative assessment of all the effects on the designated habitat needs to be provided for all phases of construction and post construction activities and conditions. Significant habitat impairments could result from, but are not limited to, drainage, stormwater runoff, in-water work, scheduling of activities, vibration, stream bank and bed disturbances and disturbances to underwater lands, and barriers of passage to resident and migratory fish using the Haverstraw Bay portions of the Hudson River.

In our March 24, 1998 letter to the Federal Energy Regulatory Commission (copy enclosed), we indicated that a copy of the Draft Environmental Impact Statement for the proposal would be necessary for our review. That document should include a narrative assessment of the effects of the entire project on and its consistency with all of the applicable State Coastal Policies relating to land and water uses, natural resources, energy, development and cultural resources. That assessment should be included after all relevant issues have been fully assessed and addressed in the EIS. Without that information the consistency of the proposal with the NYS Coastal Management Program cannot be addressed.

Pursuant to 15 CFR Part 930.60(a), our review of your consistency certification will begin after we receive this information and determine whether it and all other necessary data and information is adequate to assess the effects of the proposal on the coastal zone. Any additional information which you believe will facilitate our consistency review of this project would be appreciated. If this necessary data and information is not provided, the Department of State may object to your consistency certification on the grounds of insufficient information

Please call me at (518) 486-3047 if you have any questions.

Sincerely,



Gary J. Haight
Coastal Resources Specialist
Consistency Review Unit
New York Coastal Management program

GJH/bos

encl: March 24, 1998 letter to FERC

- c: COE/New York District - James Haggerty
- COE/Buffalo District - Art Marks
- FERC - David Boergers
- USFWS - Ann Secord
- NMFS - Diane Rusanowsky
- NYSDEC Region 3 - Margaret Duke
- NYSDEC Region 9 - Steven Doleski
- NYS Office of General Services - Lou Gnip



DEPARTMENT OF STATE

ORIGINAL

George E. Pataki
Governor
Alexander F. Treadwell
Secretary of State

Division of
Coastal Resources
41 State Street
Albany, NY 12231-0001

Mr. David Boergers, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E. Room 1A
Washington, DC 20426

Re: ¹⁵¹ Docket No. CP98-150-000
Millennium Pipeline Company, L.P.
Columbia Gas Transmission Corporation

Dear Mr. Boergers:

The Department of State has reviewed the Draft Environmental Impact Statement (DEIS) prepared by the Federal Energy Regulatory Commission (FERC) regarding the Millennium Pipeline Company's proposal to construct and operate a 442.5 mile natural gas pipeline system in New York.

The proposed pipeline will require federal agency authorizations and affect land and water uses and natural resources in the Great Lakes and Hudson River regions of New York State's coastal area. It is therefore subject to the consistency provisions of the federal Coastal Zone Management Act, and must be reviewed by the Department of State for its consistency with New York's Coastal Management Program. The Department has not commenced its consistency review of the proposal pursuant to 15 CFR Part 930, Subpart D. Our consistency review of the proposed action will begin when we receive a final Environmental Impact Statement and all other necessary information and data. To assist in the preparation of a final Environmental Impact Statement, we offer the following comments on the DEIS:

General Comments

Although this DEIS was prepared to satisfy the requirements of the National Environmental Policy Act (NEPA), it is our understanding that because a number of State agency authorizations are necessary for the proposal, the final EIS will be used to fulfill the requirements of New York's State Environmental Quality Review Act (SEQRA).

Pursuant to SEQRA, when an action involving an EIS is prepared in the coastal area, the EIS must contain an identification of the applicable State coastal policies, and a discussion of the effects of the proposed action on and its consistency with such policies. This analysis is necessary to enable the involved state agencies to reach their respective findings regarding an action's consistency with the State's coastal policies. The DEIS does not identify the applicable coastal management policies nor discuss in detail the effects of the proposed activity on or its consistency with them. In order for this DEIS to properly address the applicable State coastal policies and support the applicant's consistency certification pursuant to 15 CFR Part 930, Subpart D, and satisfy the requirements of SEQRA, it must fully address the applicable coastal policies and meet the requirements prescribed in 6 NYCRR Part 617.11. 6 NYCRR Part 617.11(e) states that no State agency may make a final decision on an action that has been the subject of a final EIS in the coastal area until the agency has made a written finding that the action is consistent

with the applicable coastal policies set forth in 19 NYCRR part 600.5. Since this information is also necessary in support of a consistency certification by the applicant pursuant to 15 CFR Part 930, Subpart D and is required in order to provide the Department of State with the necessary information and data as part of its review and decision making pursuant to 15 CFR Part 930, Subpart D, this information should be included in a final EIS for the proposal.

Specific Comments

The need for the project was not thoroughly discussed in the DEIS. This is critical for the review of this proposal because State Coastal Policy #27 requires a determination of public need for energy.

The pipeline would be constructed in and involve trenching and sidecasting of approximately 200,000 cubic yards of materials over a three month period in Haverstraw Bay, which is a State designated Significant Coastal Fish and Wildlife Habitat. This area was designated by the State to implement Policy #7, of the State's Coastal Management Program, the purpose of which is to protect, preserve and where practical, restore the habitat so as to maintain its viability as a habitat. The proposed open trench excavation of 2.2 miles of river bed in this habitat will likely effect water quality in the habitat.

Millennium has predicted a visible plume of suspended sediments measuring approximately 330 feet by 5,100 feet during excavation, covering an area of about 38 acres on a daily basis. The effects to the habitat and fisheries as a result of this trenching are not adequately addressed in an assessment of the effects of the proposal on the habitat's important physical, chemical and biological parameters. The potential adverse effects on fisheries span several life stages of various species, including their critical nursery habitat, spawning, overwintering, feeding, and migration periods. The State's Department of State, Department of Environmental Conservation, and federal agencies have expressed serious concerns regarding the effects of the proposal on the habitat and its use by certain species, including sturgeon. Since the habitat documentation for the area indicates that any activity that would substantially degrade water quality or increase turbidity or sedimentation would significantly impair the habitat, and State Coastal Policy #7 states that activities that would impair it shall not be undertaken, the final EIS should either indicate how such impairments would be avoided, or include an alternative pipeline location that would not result in such impairments.

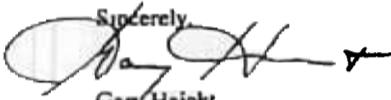
Although the DEIS includes a very brief discussion of some alternatives to crossing Haverstraw Bay, possible alternatives that need further investigation and analysis include, but are not limited to, the use of existing pipeline right-of-ways and Hudson River crossings, such as termination of the Hudson River crossing at Bowline Point. More appropriate alternatives might include river crossings that originate and terminate in industrially used land-side areas north of Haverstraw Bay. Alternative means of installing the pipeline in rivers and stream crossings in eastern New York should also be fully addressed.

3. The existing uses and character of the land that would be traversed by the pipeline are not included in the DEIS. As proposed, the pipeline would traverse developed communities that include residential, commercial and recreational areas, including High Tor State Park. The DEIS does not include an analysis of potential effects on active and passive recreation in the park, and its visual, cultural and ecological resources. The DEIS must fully address siting and design conflicts in these areas. Similar conflicts outside of the State's coastal area should also be included and addressed. It is our understanding that other agencies have identified similar conflicts involving wetlands and stream crossings throughout the length of the proposed pipeline in New York.
4. We must remind FERC of its obligations and those of the applicant pursuant to the consistency provisions of the federal Coastal Zone Management Act. These provisions require activities that require federal agency authorizations to be consistent with a state's federally approved Coastal Management Program, and require federal agencies to inform applicants that they must provide the involved federal agency with a consistency certification pursuant to 15 CFR, Part 930, Subpart D. These provisions also require federal agencies to

inform applicants that such a certification must be submitted to a State's coastal management agency (the Department of State in New York) at the same time the application for authorization is submitted to a federal agency. Had FERC informed the applicant of this requirement earlier, it is likely that the DEIS would have included the necessary information in support of a consistency certification pursuant to 15 CFR Part 930, Subpart D.

Since the preceding type of information is necessary in order for the Department of State to begin its review of this proposal pursuant to 15 CFR Part 930 Subpart D, our review of it will not begin until it is included in an acceptable final EIS. After we receive that and any and all other necessary supporting information and data, we will begin our review of the proposal and either concur with or object to the applicant's consistency certification pursuant to 15 CFR Part 930, Subpart D. If the Department of State concurs with the applicant's consistency certification, the proposed activity may be authorized by the involved federal agencies, such as FERC and the Corps of Engineers. If the Department of State objects to the applicant's consistency certification, the involved federal agencies are prohibited from authorizing the proposed activity, unless the Department of State's objection is overruled on appeal to the U.S. Secretary of Commerce. Such an appeal must be based on one or both of the grounds that the proposed activity is necessary in the interest of national security, or will advance one or more of the national objectives of the Coastal Zone Management Act.

We hope this information is helpful. If you have any questions or need additional information or assistance regarding this matter, please call me at (518) 486-3047.

Sincerely,


Gary Haight
Coastal Resources Specialist
Consistency Review Unit
New York Coastal Management Program

GJH/bos

- c: COE/New York District - George Nieves
- COE/Buffalo District - Art Marks
- USFWS - Ann Secord
- NMFS - Diane Rusanowsky
- NYSDEC Region 3 - Margaret Duke
- NYSDEC Region 9 - Steven Doleski
- NYS OGS - Al Bauder
- NYS OPRHP - Thomas Lyons
- Town of Haverstraw - Hon. Philip Rotella
- Town of Stony Point - Hon. Steven Hurley
- Village of Ossining - Jerry Faiello



DEPARTMENT OF STATE

George E. Pataki
Governor
Alexander F. Treadwell
Secretary of State

Division of
Coastal Resources
41 State Street
Albany, NY 12231-0001

April 5, 2001

Thomas S. West
LeBoeuf, Lamb, Greene & MacRae
One Commerce Plaza
Suite 2020
99 Washington Avenue
Albany, New York 12210-2820

Re: F-2001-0246 (formerly F-98-0173)
Federal Energy Regulatory Commission Docket No. CP98-150-000; U.S. Army Corps of Engineers/New York District Application # 1999-00640, Buffalo District # 97-320-0003(2), Pittsburgh District # 1997-01186
Lake Erie and Hudson River
Canada and U.S. border in Lake Erie to Mount Vernon, Westchester County, New York

Received FERC SDEIS, and Commencement of Review

Dear Mr. West:

On March 12, 2001, the Department of State (DOS) received a copy of the Federal Energy Regulatory Commission (FERC) Supplemental Draft Environmental Impact Statement (SDEIS) regarding the proposed Millennium Pipeline Project. The Department has also received your letter dated March 23, 2001 transmitting a March, 2001 "supplemental submission" by Millennium regarding the consistency of the proposed pipeline project with the New York Coastal Management Program (CMP) and Village of Croton-On-Hudson Local Waterfront Revitalization Program (LWRP).

The Department's review of a consistency certification for activities requiring the preparation of an environmental impact statement pursuant to the National Environmental Policy Act does not ordinarily begin until a Final Environmental Impact Statement (FEIS) has been completed and received by DOS. This procedure is required to ensure that: (1) the Department's review involves a proposal that is not likely to undergo significant changes; and (2) sufficient information and data is provided to conduct and complete the Department's review and decision-making in accordance with federal regulations and the CMP. In this instance, however, DOS began its consistency review of the Millennium Pipeline project upon receipt of the Supplemental Draft Environmental Impact Statement (SDEIS) prepared by FERC, because the SDEIS and other documentation that you provided appear to address all relevant coastal concerns and it is likely that the proposed project will not be significantly changed in the FEIS.

The Department's review of the proposed Millennium Pipeline and the consistency certification that was submitted for it, pursuant to 15 CFR Part 930, Subpart D, began on March 12, 2001. The Department will notify you, FERC, and the U.S. Army Corps of Engineers of our decision to concur with or object to the consistency certification that was submitted for this proposal when we have completed our review pursuant to 15 CFR Part 930.

Please be advised, however, that should Millennium's project be significantly changed as a result of the federal

Mr. Thomas S. West
F-2001-0246
April 5, 2001
Page 2.

environmental review process, a new consistency review may be necessary.

When communicating with us regarding this proposal, please refer to Department of State file number F-2001-0246.

Sincerely,



William F. Barton
Assistant Director

- c: COE/New York District - Richard Tomer and George Nieves
- COE/Buffalo District - Paul Leuchner
- NYS DEC/Central Office - Lenore Kuwik and William Little

LEBOEUF, LAMB, GREENE & MACRAE

L.L.P.

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September 12, 2001

VIA HAND DELIVERY

Mr. William Barton
Deputy Director
NYS Department of State
Coastal Management Program
41 State Street
Albany, NY 12231

Re: Millennium Pipeline Project F-2001-0246
(formerly F-98-0173)

Dear Mr. Barton:

We represent Millennium Pipeline Company, L.P. ("Millennium"), and have been authorized by Millennium to transmit this letter to you regarding the time for the New York Department of State ("DOS") to render a decision concerning the Millennium Project.

This letter will serve to confirm that Millennium and the DOS have, pursuant to 15 CFR 930.60(a)(3), mutually agreed to extend the time for the DOS to render a decision on the consistency of the Millennium Pipeline Project with the coastal policies pursuant to the Coastal Zone Management Act ("CZMA"). DOS will determine consistency of the referenced project after issuance of the Final Environmental Impact Statement for the project by the Federal Energy Regulatory Commission.

Mr. William Barto
September 12, 2001
Page 2

BTB

Please respond indicating your Agency extension of time set forth above. to the

Very truly yours

Thomas S West

TSW/pag/72204

cc: Millennium Pipeline, L.P.
U.S. Army Corps of Engineers (NY and Buffalo Districts)
Federal Energy Regulatory Commission
John King, Director, OCRM
Richard Herbek, Village Manager



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

RANDY A. DANIELS
SECRETARY OF STATE

September 12, 2001

Hand Delivered

Thomas S. West, Esq.
LeBoeuf, Lamb, Greene & MacRae
One Commerce Plaza
Suite 2020
99 Washington Avenue
Albany, New York 12210-2820

Re: Millennium Pipeline Company
F-2001-0246

Dear Mr. West:

The Department of State acknowledges the receipt of your letter dated September 12, 2001 and agrees to extend the time period for its review of the above referenced project for consistency with the New York State Coastal Management Program. The Department expects to complete its consistency review within 30 to 60 days after the receipt of the Final Environmental Impact Statement on the proposed project, barring any significant pipeline routing or other project changes that may have effects upon the coastal zone of New York State.

Sincerely,

William F. Barton
Assistant Director

Division of Coastal Resources

- c. David Boergers, FERC
Richard Tomer, COE/NY
John King, OCRM
Richard Herbeck, Village of Croton-on-Hudson

VILLAGE OF
BRIARCLIFF MANOR
www.village.briarcliff-manor.ny.us



1111 PLEASANTVILLE ROAD
BRIARCLIFF MANOR, N.Y. 10510
TELEPHONE: (914) 941-4800
FAX: (914) 941-4837

March 28, 2001

Via Hand Delivery

David P. Boergers
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: Millennium Pipeline Company, L.P., Docket No. CP98-150-000
Columbia Gas Transmission Corporation, Docket No. CP98-151-000

Dear Secretary Boergers:

On February 6, 2001, and February 23, 2001, the Villages of Briarcliff Manor, Croton-on-Hudson, and Ossining, New York, and the Town of Ossining, New York (collectively "Croton, Ossining and Briarcliff"), filed additional comments in these proceedings to express their continued concern with the Millennium Pipeline Company's ("Millennium") proposal to construct a new interstate pipeline through our communities along Routes 9 and 9A. In those comments, we asked that the FERC examine alternative systems and routes, address a variety of environmental and safety concerns, and recommend a pipeline route that avoids the Route 9-9A corridor.

The FERC's Supplemental Draft Environmental Impact Statement ("SDEIS"), dated March 2001, addressed some, but by no means all, of the issues that Croton, Ossining and Briarcliff, and other parties, have raised about the suitability of the 9-9A corridor. Section 6.1, p. 6-18 of the SDEIS, concludes, in part, that "[w]e [FERC] believe that with the use of the recommended mitigation the 9/9A Proposal is a viable option."

Croton, Ossining, and Briarcliff respectfully continue to disagree with this finding, for the reasons already provided and made part of the record in this proceeding. However, in Section 6.1, p. 6-18, the Commission further states that "[i]f the PSCNY is willing to revise its MOU [Memorandum of Understanding] to incorporate construction of this alternative route, then we believe that the ConEd Offset/State Route 100 Alternative is a viable option."

Croton, Ossining, and Briarcliff strongly endorse this finding and the FERC's recommendation that the Public Service Commission of the State of New York ("PSCNY") and Millennium work together to achieve a mutually satisfactory agreement. Notwithstanding, for the reasons outlined below, it is the position of Croton, Ossining, and Briarcliff that the routing ultimately approved for the pipeline should follow the Taconic State Parkway right-of-way ("ROW") rather than Route 100, from the Millwood area, where the ConEd, Taconic, and Route 100 ROWs briefly converge, and then diverge, to the area in southern Briarcliff Manor just north of Route 117, where the three ROWs again converge. We propose to refer to this variation of the "ConEd Offset/State Route 100 Alternative" as the "ConEd Offset/Taconic Alternative."

Croton, Ossining and Briarcliff submit that the ConEd Offset/Taconic Alternative has the following advantages, compared to the Route 9-9A Alternative:

- 1 This route would significantly reduce the risk of pipeline damage from third party activities;
2. The route would reduce construction-related impacts. The Taconic Parkway is six lanes wide, with paved shoulders and a widely cleared ROW and median. Further, staging areas still remain from the recent widening of the Parkway. The construction challenges of Route 9-9A have been documented previously, and are significant.
- 3 This route would affect far fewer people. Approximately 3,600 people live within 220 yards of the 9-9A corridor. Millennium informally estimates that the comparable number for the Taconic option would be a few hundred.
4. This route offers significantly less traffic impact during construction.
5. This route avoids the Van Cortlandt Manor National Historic Landmark, which would be crossed by the Route 9-9A option.
6. This route would cross the Croton River further upstream by means of conventional construction techniques. The Route 9-9A Alternative would require a directional drill to cross the Croton River estuary near its widest point.
7. This route avoids two major railroad crossings in the Village of Croton.
8. This route avoids previously expressed concerns about impacts to the Village of Croton's waterfront park.
9. The Town of New Castle has expressed interest in the possibility of obtaining gas from the pipeline, as has the Briarcliff Manor School District. While the feasibility of doing this remains to be determined, such a proposal would not be possible under the 9-9A alternative.

The ConEd Offset/Taconic Alternative is preferable to the ConEd Offset/Route 100 Alternative for the following reasons:

In close proximity to the west side of Route 100 are a townhouse development in the Town of New Castle, a large commercial zone in the Town of Ossining, and apartment, townhouse and condominium developments and a commercial area in Briarcliff Manor. The Pocantico River also flows adjacent to a portion of the east side of Route 100 in this area, thereby reducing construction alternatives. The Taconic option, located further east, places the pipeline further away from those properties and populations.

2. The ConEd Offset/Route 100 Alternative, south of its intersection with Route 9A in Briarcliff, is in close proximity to a number of residences. In this area, the route is actually part of the Route 9-9A alternative, and is objectionable for the reasons previously stated. The Taconic variation, being further east, avoids this area as well.
3. Informally, Millennium has indicated to Croton, Ossining, and Briarcliff that it would prefer the Taconic variation to the ConEd Offset/Route 100 Alternative, because of greater construction convenience. As stated, the Taconic is six lanes wide with paved shoulders, and has a wide, generally cleared, center median strip and off shoulder strips. Route 100, for most of this segment, is a two lane road with narrow shoulders and little ROW clearing. Both variations are approximately the same length.

In earlier comments, the PSCNY expressed various concerns with respect to locating the Millennium Pipeline within the ConEd ROW. Croton, Ossining, and Briarcliff maintain that there have been significant changes since use of the ConEd ROW was described and evaluated in the DEIS in April 1999.

1. In the DEIS, Millennium proposed a route between the ConEd electrical transmission towers. The concept suggested by FERC in the SDEIS and currently under discussion places the pipeline outside of, but adjacent to, the corridor containing the electrical transmission towers.
2. Millennium is now proposing much more extensive mitigation to protect the electrical transmission towers than was described in the DEIS.
3. While the ConEd Offset/Taconic Alternative and ConEd Offset/Route 100 Alternative both are in close proximity to the ConEd ROW for approximately seven miles, both also utilize alternative routes that avoid the ConEd ROW where practical.

In sum, Croton, Ossining, and Briarcliff reiterate our position supporting the need to increase energy supplies in the northeast, and strongly endorse the FERC's suggestion that the PSCNY revise its MOU with Millennium to encompass the ConEd Offset/Taconic Alternative. We are unaware of any significant opposition to the Taconic variation from neighboring communities and other constituencies and are engaged in ongoing discussions with all potentially affected by this route alternative to obtain their endorsements.

Within the next few days our respective elected Boards will pass resolutions endorsing the FERC's proposal with the incorporation of the Taconic variation, and strongly urge that the PSCNY modify its MOU with Millennium to make the ConEd Offset/Taconic Alternative a reality, thereby avoiding further protracted legal proceedings over the issues associated with the Route 9-9A Alternative.

As we have stated throughout these proceedings, and reiterate here, we welcome the opportunity to discuss with the Commission's Staff, Millennium, the PSCNY and other interested parties the aforementioned issues and suggestions, as well as other possible solutions and remedies to the problems and issues created by the Route 9-9A Alternative.

To that end, we very much look forward to the Public Hearing scheduled for April 9, 2001, in Ossining, and want to express our continued appreciation to the Commission for proposing and endorsing the ConEd Offset Alternative for consideration. We also remain encouraged that Millennium and the PSCNY last week conducted field inspections of both the ConEd Offset/Route 100 Alternative and the Taconic variation to that route.

Thank you for your consideration of these comments.

Very truly yours,

A handwritten signature in cursive script that reads "Keith Austin". The signature is written in dark ink on a light-colored background.

Keith Austin, Mayor, Village of Briarcliff Manor, New York
Thomas Cambariere, Mayor, Village of Ossining, New York
John V. Chervokas, Town Supervisor, Town of Ossining, New York
Robert W. Elliott, Mayor, Village of Croton-on-Hudson, New York

cc: **Public File**
All Parties
The Honorable Curtis L. Hébert, Jr., Chairman
The Honorable William L. Massey, Commissioner
The Honorable Linda K. Breathitt, Commissioner
The Honorable Hillary R. Clinton, United States Senate
The Honorable Charles J. Schumer, United States Senate
The Honorable Sue W. Kelly, Member of Congress
The Honorable Suzi Oppenheimer, New York State Senate
The Honorable Richard L. Brodsky, New York State Assembly
The Honorable Sandra R. Galef, New York State Assembly
The Honorable Andrew J. Spano, Westchester County Executive
The Honorable Maureen O. Helmer, Chairman, NYPSC
Daniel M. Adamson, Director, Office of Energy Projects (FERC)
Richard R. Hoffmann, Gas Group 2 Leader (FERC)
Jennifer L. Kerrigan, Environmental Project Manager (FERC)
Kevin P. Madden, General Counsel (FERC)
Robert F. Christin, Energy Projects, Lead Counsel (FERC)

ORIGINAL

Village of Croton-on-Hudson, New York



Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson,
NY 10520

(914) 271-4781-2
FAX (914) 271-2836

OFFICE OF THE SECRETARY
01 APR -9 PM 2:45
FEDERAL ENERGY
REGULATORY COMMISSION

Mayor
ROBERT W. ELLIOTT
Trustees
GEORGIANNA K. GRANT
JAMES HARKINS
DEBORAH Y. McCARTHY
SAM R. WATKINS Jr.
Manager-Clerk
RICHARD F. HERBEK
Treasurer-Deputy Village Clerk
ROBERT T. REARDON
Attorney
SEYMOUR M. WALDMAN
Engineer
KARY IOANNOU, P.E.
271-4783

April 5, 2001

Maureen O. Helmer, Chairman
New York Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

Dear Ms. Helmer:

CP98-150-002

RE: Millennium Pipeline Project and Proposed Route for Westchester County

On April 2, 2001, the attached resolution, requesting the Taconic Option to be the designated route for the Millennium Gas Pipeline, was passed at a regular Board Meeting of the Village of Croton on Hudson by the Village Board of Trustees. The Mayor and Village Board have directed me to send the resolution to the Public Service Commission.

Sincerely

Richard F. Herbek
Village Manager

cc: David P. Boergers, Secretary, Federal Energy Regulatory Commission
Honorable Sandra R. Galef, New York State Assembly
Keith Austin, Mayor, Village of Briarcliff Manor
Thomas Cambariere, Mayor, Village of Ossining
O. Paul Shew, Village Manager, Village of Ossining

On motion of TRUSTEE Grant, seconded by TRUSTEE Harkins, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with unanimous vote.

WHEREAS, the Federal Energy Regulatory Commission has found that an alternate route to the Millennium Pipeline Route 9 and 9A proposal is equally acceptable; and

WHEREAS, that alternative, running alongside, by and large, the Con Edison right-of-way and Taconic Parkway, will not pose a threat to people and property in the significant and severe way that the Route 9 and 9A proposal will; and

WHEREAS, the Federal Energy Regulatory Commission has, in essence, given the New York State Public Service Commission the option to select either route,

NOW THEREFORE BE IT RESOLVED: that the Village of Croton Board of Trustees strongly urge the New York State Public Service Commission designate the "Taconic option" as its preferred routing for the Millennium Gas Pipeline and so notify the FERC as soon as that determination is made.

April 2, 2001



DEPARTMENT OF STATE

George E. Pataki
Governor
Randy A. Daniels
Secretary of State

Division of
Coastal Resources
41 State Street
Albany, NY 12231-0001

October 11, 2001

Mr. David Boergers
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC 20426

Re: F- 2001- 0246
Millennium Pipeline Company, L.P.
CP98-150-000, et al

Dear Mr. Boergers:

The New York State Department of State received the Final Environmental Impact Statement for the Millennium Pipeline Project on October 5, 2001. We thank you for forwarding the document to the Department for its review as to the project's consistency with the New York State Coastal Management Program.

As we indicated in our letter dated September 12, 2001, to Millennium's counsel, Mr. Thomas S. West of LeBoeuf, Lamb, Greene & MacRae, the Department expects to expeditiously complete its review of the FEIS and notify FERC, the Corps of Engineers and the Millennium Pipeline Company of its consistency decision.

The Department also wishes to advise the Commission that, in accordance with federal regulations, its decision on the licensing of the proposed project can be made only after the Department of State has determined the project's consistency with New York's Coastal Management Program.

Sincerely,



William F. Barton
Assistant Director

c: Thomas S. West, LeBoeuf, Lamb, Greene & MacRae
Richard Tomer, Corps of Engineers/NY District
Paul Leuchner, Corps of Engineers/Buffalo District
John King, OCRM



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

May 24, 2002

Mr. Thomas S. West, Esq.
LeBoeuf, Lamb, Greene & MacRae, L.L.P.
One Commerce Plaza, Suite 2020
99 Washington Avenue
Albany, NY 12210-2820

Re: Millennium Pipeline F-2001-246

Dear Mr. West:

Thank you for your letters of May 9, 2002 regarding the Millennium Pipeline project, received the same day that the Department determined that the Millennium Pipeline, as currently proposed, was not consistent with the New York State Coastal Management Program. This determination was both timely and appropriate, and we reject your opinion that consistency should be presumed.

Your May 9 letter to George Stafford purports to terminate the extension of time for project review that the Department and Millennium agreed to on September 12, 2001. Your attempt to terminate the agreement was rendered moot by the determination that day. The extension was mutually agreed to; it cannot be unilaterally terminated nor can there be a claim of a presumption of consistency. Moreover, in your September 12, 2001 letter to the Department regarding the extension of time for review, you stated:

This letter will serve to confirm that Millennium and the DOS have, pursuant to 15 CFR 930.60(a)(3), mutually agreed to extend the time for the DOS to render a decision on the consistency of the Millennium Pipeline Project with the coastal policies pursuant to the Coastal Zone Management Act ("CZMA"). DOS will determine consistency of the referenced project after issuance of the Final Environmental Impact Statement for the project by the Federal Energy Regulatory Commission.

This extension was necessary and made at your request, to avoid an inconsistency determination at that time. Further, the Department was concerned about the potential for project changes and the need to ensure their adequate evaluation. Accordingly, in the September 12, 2001 reply to your letter of the same date, the Department stated:

The Department of State acknowledges the receipt of your letter dated September 12, 2001 and agrees to extend the time period for its review of the above referenced project for consistency with the New York State Coastal Management Program. The Department expects to complete its consistency review within 30 to 60 days after receipt of the Final Environmental Impact Statement on the proposed project, barring any significant pipeline routing or other project changes that may have effects upon the coastal zone of New York State. (Emphasis added.)

On October 11, 2001 Millennium submitted to the U.S. Army Corps of Engineers a draft of the Millennium Pipeline Environmental Compliance Management Program that contained new project information related to blasting in the Hudson River. On November 27, 2001 the Corps of Engineers brought this information to the attention of the Department. Accordingly, both the Corps of Engineers and the Department requested necessary additional information to properly conclude project review.

It was exactly for this type of situation that the Department set a conditional review time in its September 12, 2001 letter. The Department's request for the additional information, supported by the Corps of Engineers, was entirely appropriate, as was its position that additional time would be needed to review it. Furthermore, in your March 14, 2002 letter to the Department you stated:

Millennium, nevertheless, recognizes that the possible need for a limited amount of blasting in the Hudson River was not addressed until recently in Millennium's submissions to DOS, regrets that oversight, and renews its commitment to provide DOS with full and complete information on all aspects of the Millennium Project that are subject to review by DOS [page 2] ...

Millennium recognizes that the DOS must ultimately decide the consistency of the Millennium Project with the CMP policies [page 2] ...

On the basis of the foregoing and all of the information that has been submitted to the DOS concerning this Project since November of 1998, Millennium respectfully requests that the DOS promptly complete its review of the Millennium Project and conclude that the Project is consistent with all applicable CMP policies [page 6].

On April 23, 2002 Millennium delivered to the Department the "Blasting and Mitigation Plan for the Millennium Pipeline Project" (April 15, 2002), and the "Impact Assessment and Mitigation Plan for Blasting on the Millennium Pipeline Project in Haverstraw Bay" (April 16, 2002). This information was reviewed expeditiously and considered prior to the May 9, 2002 determination. Therefore, a full and accurate review of the record reveals that a timely determination was made and that consistency cannot be presumed.

Finally, you may recall that the Department had urged Millennium to consider other alternatives relating to the Hudson River crossing. Our May 9, 2002 determination addresses this issue. Despite our strong disagreement with you regarding timeliness, we are available to discuss this latter issue with Millennium in more detail. Please feel free to call upon us if you wish to do so.

Sincerely,



Glen T. Bruening
General Counsel

GTB/sm

cc: Mr. David Boergers, FERC
Mr. Richard Tomer, COE/NY
Mr. Paul Leuchner, COE/Buffalo
Mr. John King, OCRM
Mr. George Stafford
Commissioner Crotty, DEC
Hon. Robert W. Elliott, Village of Croton-on-Hudson



DEPARTMENT OF STATE

George E. Pataki
Governor
Randy A. Daniels
Secretary of State

Division of
Coastal Resources
41 State Street
Albany, NY 12231-0001

December 14, 2001

Mr. David Boergers
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC 20426

Via Regular Mail & Facsimile

Re: F-2001-0246
Millennium Pipeline Company, L.P.
Docket #CP98-150-000, et al

Dear Mr. Boergers:

The Department of State has been informed that the Federal Energy Regulatory Commission is scheduled to take action on the Millennium pipeline project at its December 19th meeting. As this Department indicated to you in its letter of October 11, 2001, the Commission cannot grant a certification for this project until after the Department has determined the project's consistency with New York's Coastal Management Program.

In letters dated September 12, 2001, Millennium and the Department of State agreed to extend the consistency review period for the proposed pipeline project to allow the Department time to review the project's Final Environmental Impact Statement (FEIS) prepared by the Commission. In its letter of September 12th (copy enclosed), the Department expressly conditioned the expected timing of its review upon no further "... pipeline routing or other project changes that may have effects upon the coastal zone of New York." The Department has recently been informed by the U.S. Army Corps of Engineers that a portion of the trench across the Hudson River would require blasting. This activity was neither described nor evaluated in the FEIS. Before this Department can conclude its review of the proposed project and issue its consistency decision, a description and evaluation of the blasting activity must be submitted to the Department for review. Following review of that information, the Department will notify Millennium and the Commission of its consistency decision.

Also, enclosed is a copy of a letter sent to a Millennium representative requesting the necessary data and information.

Sincerely,

William F. Barton
Assistant Director

WFB:mab
Enclosures



c: LeBoeuf, Lamb, Greene & MacRae L.L.P - Thomas S. West
COE/NY - Richard Tomer
COE/Buffalo - Paul Leuchner
OCRM - John King