2.0 STATE AGENCIES

STATE OF CONNECTICUT

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Arthur J. Rocque, Jr.
Commissioner

May 17, 2002

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

RE: Draft Environmental Impact Statement
Islander East Pipeline Project
March 2002
Docket Nos. CP01-384-000 and CP01-387-000

Dear Secretary Salas:

Thank you for the opportunity to review the above-referenced Draft Environmental Impact Statement and to submit these comments. The proposed Islander East project involves the uprating of 27.4 miles of existing Algonquin gas pipeline from Cheshire to North Haven, the construction of 50 miles of new 24" diameter pipeline, of which 10.2 miles will be in North Haven, East Haven, North Branford and Branford, Connecticut, and 22.6 miles in Long Island Sound, and a new 12,000 hp compressor station in Cheshire, Connecticut adjacent to Interstate 691

Procedural Issues

Governor's Executive Order No. 26 and Recent Legislation

S1-1 On April 12, 2002, Governor John G. Rowland issued Executive Order No. 26 directing the establishment of a task force "to undertake a review and analysis of all pending proposals for permanent large-scale gas or electric transmission projects, including all projects crossing Long Island Sound," and enjoining State executive branch agencies from issuing any final determinations on agency approvals for such projects until January 15, 2003. Subsequently, the Connecticut General Assembly passed "An Act Concerning the Protection of Long Island Sound." This legislation established a 12-month moratorium for State agencies during which they shall not consider or render final decisions on applications for utility crossings of Long Island Sound. The Act also expands the membership of the Executive Order No. 26 Task Force which will undertake the comprehensive study of the need for and impacts of utility crossings of Long Island Sound and Fairfield County. Both the Executive Order and the legislation anticipate FERC representation and participation in the study.

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S1-1 The Commission has not yet determined its position on the Connecticut moratorium. If the Commission finds it necessary to issue an order on the merits on the proposal during the moratorium, the Commission would explain the reason for its decision in the order. This is discussed in section 2.6 of the FEIS.

S1-1 As recognized and discussed by FERC in Section 4 of the DEIS, there is a need to take a comprehensive and comparative look at the various pipeline proposals in and across Long Island Sound, some of which may be in competition to serve the same markets. FERC attempts to do this in Section 4.2 of the DEIS in evaluating system alternatives to deliver the proposed volume of Islander East gas, but acknowledges that the information on market demand on Long Island and the analysis of the Iroquois Eastern Long Island Extension Project are not far enough progressed to be able to address these questions in more than a conceptual way. We submit that this evaluation is a necessary prerequisite to finding that other alternatives with less significant environmental impacts to Long Island Sound and other natural resources do not exist. We respectfully request that no final action be taken by FERC on the subject proposal until a comprehensive look at market demand, environmental constraints and the various proposals to supply gas to Long Island can be performed. We request that all potentially competing pipeline proposals be considered in a coordinated fashion so that the optimal solution can be selected from among them, based on minimizing environmental and socio-economic impacts and on serving a demonstrated market for the approved amount of pipeline capacity. We note that a mechanism to accomplish this will be the Task Force's investigation and report, due in spring 2003. Ideally, we would request FERC to defer final action on Islander East or any other pipeline in Long Island Sound until that date.

S1-2 Relative to this discussion, what is the status of the AES Calverton and Brookhaven Energy projects which constitute two of the major customers of this pipeline? Is the economic justification for this project dependent on both, or either one, of them being constructed? Would local distribution company markets justify the pipeline if neither plant is built?

System Alternatives

S1-3 The One-Pipe System Alternative and the Eastern Long Island (ELI) Project System Alternative discussed in Sections 4.2.1 and 4.2.2, respectively, appear, in a preliminary and strictly numerical sense, to offer potential advantages over the Islander East proposal. DEP is not in a position to say this on a definitive basis at this time because the on-site impacts of the 16 miles or 7 miles of new looping pipeline required under these proposals, respectively, has not been evaluated, nor has the more fundamental issue of actual market demand for gas on Long Island been determined. We do believe FERC has begun a worthwhile effort in doing this preliminary comparative analysis but, as acknowledged in the DEIS, sufficient information is not yet available to follow it to a definitive conclusion, which is why the request in the previous section of these comments is made.

Permits

S1-4 Page 2-45 of the DEIS contains a comprehensive list of the permits and approvals required from DEP for this project. As previously noted, the department is prohibited by

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S1-2 See response to comment 9 in letter S2.

S1-3 Thank you for your comment.

S1-4 Thank you for your comment. Section 3.3.2 of the FEIS has been modified to indicate that an individual discharge permit would likely be required.

S1-4 act of the legislature from considering or issuing permits related to gas pipeline crossings of Long Island Sound for one year from passage of the moratorium act or until spring 2003. Application has been made for all of the necessary permits except the Permit for Hydrostatic Test Water Discharge. This Department does have a General Permit available for the Discharge of Hydrostatic Pressure Testing Wastewaters. However, one condition of the General Permit (Part VI, condition A.2) is that the discharge flow not exceed 10% of a watercourse's ambient flow rate or 1% of the total volume of a non-flowing receiving water body. As one of the sources of hydrostatic test water is a private farm pond on Thompson Road in East Haven, it is unlikely that the 1.2 million gallon discharge would be less than 1% of the pond's volume. If this is the case, an individual discharge permit under Section 22a-430 of the Connecticut General Statutes would be required.

S1-5 With regard to Islander East's Structures and Dredging and Water Quality Certificate applications and FERC's required Coastal Consistency Certification, obvious insufficiencies of such applications can be inferred from comments on pages 3-9, infra, regarding environmental impacts associated with work in Long Island Sound.

Project Impacts

The proposed Islander East pipeline proposal involves several components, each of which have their attached impacts, be they environmental or social, and of either long-term duration or occurring only during or shortly after construction. The following comments will address these impact areas individually.

Horizontal Directional Drilling

Islander East proposes to cross the Connecticut coastline and enter into Long Island Sound via a 4,000' horizontal directionally drilled segment beginning 700' inland on Tilcon property, and extending 3,300' into Long Island Sound. Use of horizontal directional drilling (HDD) allows Islander East to minimize coastal impacts, such as avoiding four shellfish lease beds which would otherwise be traversed by the pipeline.

S1-6 From an environmental protection standpoint, HDD is conceptually a decidedly preferable method of installing the pipe across the shoreline and in shallow water. Therefore, the probability of success of HDD is critical because the alternative methods of installing the pipe, should HDD fail, would result in significantly more adverse impact to coastal resources. Therefore, please address how the scope, i.e., 4,000 feet, of this project compares with the experience of other projects to allow for a fuller evaluation of its efficacy.

We agree with FERC's recommendation on page 3-31 of the DEIS that an alternative plan for installing this section of the pipeline be submitted by Islander East. Such plan must also be submitted to DEP's Office of Long Island Sound Programs for review as a part of its Coastal Consistency Determination. This is critical because, given

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S1-5 Thank you for your comment.

S1-6 The length of the shoreline HDD, about 4000 feet, is within the range of successfully completed HDDs. Drills longer than 1 mile are beyond present technology.

We concur that contingency construction plans should be provided to the CTDEP's Office of Long Island Sound Programs for review as part of the CZMA review process. Islander East would have to make all appropriate filings to the CTDEP for this review.

S1-6 the greater environmental impacts of alternative construction techniques, it is conceptually very possible that HDD might be found to be consistent with Connecticut's Coastal Management Program while the alternative plan might not be. Islander East does propose to undertake the horizontal directional drilling component as the first phase of pipeline construction. This would allow for time to determine the success of the HDD segment before any other work is allowed to begin.

S1-7 The dimensions of the HDD exit pit and the method used to dig the pit are not provided in the DEIS. Information provided by Islander East to DEP-OLISP on February 13, 2002 indicates that this hole would be dredged by clamshell bucket and would be 20' deep and 250' x 300' in area. Removed sediment would be mounded around the pit, extending for 65' on three sides, and possibly mounded to the water's surface.

S1-8 The environmental impacts of this activity for aquatic resources in the shallow waters around the Thimble Islands and along the Branford shoreline are not thoroughly discussed. In the short-term, the benthic community in the three acre area will be destroyed. Over the work period of three or four months, much of the mounded sediment will likely disperse as a result of currents and wave action, especially during storms. If this happens, many of the benefits of HDD (e.g., bypassing the shellfish beds) may be negated. The characteristics of the excavated material and its effects on benthic and rocky habitats of the Thimble Islands area are not adequately discussed. It is our sense that these areas probably will not recover as quickly as described in the DEIS.

S1-9 Also relative to the HDD component, the methodology for containing a bentonite release at the exit hole or elsewhere along the drill has not yet been developed. Islander East estimates that 3,000 cubic yards of bentonite will be used as drilling fluid. Preliminary estimates by Islander East indicate that 1,230 cubic yards may be released. According to the DEIS, a site-specific computer model is being developed by Islander East to, among other things, describe the fate of the bentonite. In any case, DEP will require an operations and maintenance plan to address, among other things, the immediate clean-up and removal of all bentonite should blow-outs occur.

S1-10 Lastly relative to HDD, the DEIS describes an upland area of over one acre (120' x 400') that is needed to support the HDD rig and its associated equipment. It is not clear how much grading and clearing would be necessary to prepare the rig site. The proposed upland drilling area on the Tilcon property should be more clearly defined in the FEIS and should include a description of the modifications required to prepare the site. Additionally, the FEIS should require Islander East to develop a plan to restore the site to pre-existing contours after HDD is completed unless otherwise agreed upon by the landowner. If there is a potential that the drilling rig would need to be relocated for additional drilling attempts should the initial effort fail, the FEIS should evaluate the likely alternate location and what modifications would be necessary at that site.

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S1-7 This information has been added to section 3.3.3 of the FEIS.

S1-8 We have revised section 3.4.1.2 of the FEIS with more information on impacts to nearshore communities and potential recovery rates of nearshore benthic communities, including incorporating results from a marine sediment dispersion study.

S1-9 Islander East has developed a Directional Drill Monitoring and Operations Program for natural gas pipeline installation in Long Island Sound. Section 3.3.3.2 of the FEIS has been modified with updated information on potential drilling mud containment measures.

S1-10 Impacts on the Tilcon property are addressed in section 3.8.2 and in responses to letter G3.

Islander East would restore all workspaces to pre-construction contour pursuant to section 3.6 of its Erosion Sedimentation Control Plan.

Long Island Sound Impacts

S1-11 The DEIS appears to minimize the environmental effects of the pipeline as temporary and, therefore, of little importance. In fact, on page ES-4, under Major Conclusions, the DEIS states that "with the use of Islander East's proposed mitigation and adoption of our recommended mitigation measures, construction and operation of the proposed facilities would have limited adverse environmental impact." Although many of the impacts of the pipeline will be temporary, the off-shore activities take place in important fisheries habitat and the seriousness and duration of these effects are not currently well addressed. Further, DEP believes that a finding of limited environmental impact may be premature for a number of additional reasons: (1) many important aspects of the project have not yet been finalized, (2) in some cases, important details are missing, and (3) the LIS Sampling, Analysis and Study Plan being prepared by Islander East was not available during DEIS preparation. This latter element is being conducted to characterize site-specific suspended sediment and bentonite release behavior, sediment grain size distribution and benthic organisms and habitat along the pipeline route.

S1-12 To minimize permanent impacts to habitat in the Sound, **DEP favors complete burial of the pipeline at shallow depth** to ensure that the movements and migrations of benthic fishes and crustaceans are not hampered. The proposed option in the DEIS is for half burial. The DEIS states that benthic animals would be able to cross a half buried pipeline. However, because the pipeline crosses the Sound in a north-south direction and an enormous number of benthic animals migrate in the east-west axis of the Sound, complete burial would ensure that their movements are not affected by the pipeline.

Contrary to the half burial option proposed in the DEIS, application materials submitted by Islander East to DEP-OLISP indicated that the pipeline would be buried 3' below the surface. While this is acceptable, a shallower burial would be preferred in that it would reduce sediment disturbance during installation. With the goal of minimizing sediment disruption and with full burial to minimize restrictions on movements, DEP favors complete, but minimal to shallow, burial of the pipeline, i.e., the top of the pipe level with the sea floor or just below it.

S1-13 (It should be noted that lobster behavior as described in the DEIS is incorrect: lobsters would not use their abdomen, or tail, to "swim" over the pipeline. Lobsters move principally by walking in a forward motion. The tail is often used to propel the animal backwards, usually to escape a predator or avoid confrontation with more dominant lobsters.)

Islander East has studied the seafloor along the pipeline route. Most of the route crosses fine-grained cohesive sediments. The bottom is relatively featureless for most of the route. These observations agree with a number of surveys done to characterize the seafloor. The pipeline crosses approximately 221.4 acres of bottom habitat.

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S1-11 Many of the impacts to the Long Island Sound offshore fisheries and benthic communities would be temporary, but there also may be long-term impacts as a result of construction activities. We have revised section 3.4.1.2 with more information describing the potential duration of impacts to the Long Island Sound offshore community.

S1-12 Islander East has developed a new pipeline installation plan that proposes to bury the majority of the pipeline that crosses Long Island Sound a minimum of 3 feet. The burial of the pipeline minimizes and avoids impacts associated with migrating fish and shellfish. See section 3.4.1.2.

S1-13 We agree with the comment on a lobster's ability to swim over a pipeline. Section 3.4.1.2 of the FEIS has been revised. Additionally, Islander East now proposes to completely bury the majority of the pipeline, which will minimize the potential for interruption of lobster migration.

S1-14 The length of pipeline exposed at utility crossings (MCI, Flag Atlantic, etc.) should be provided and possible effects on the movements of benthic animals assessed. Should the pipeline be exposed for any substantial distance, migration and movements through the area could be impaired.

S1-15 • Trench Excavation: Shallow water dredging

From the HDD exit pit, a clamshell bucket will be used to dig a 50'W by 5,808' L by 5'D trench out to 20' water depths. Sediment will be side-cast in an area up to 60' wide on one side of the trench. The DEIS predicts that the sediment plume from this activity will be up to 7,800'L by 1,300'W, with total suspended solids (TSS) levels greater than 30 mg/l. In addition to dredging, blasting may be necessary within a 200' length. Precautions taken to reduce the shock wave from the blasting include sequencing detonation in each hole fractions of a second apart and placing rock in the top of the borehole.

Based on the dimensions provided, 54,000 c.y. of material will be dredged from a stable bottom habitat that is close to nearshore and rocky habitats of the Thimble Islands. As with the HDD exit hole, benthic organisms in the roughly 15 acre area will be destroyed and populations will take some time to recover. Also, restoring the bottom contours will be difficult. No assurance is offered that it can be done, and there is no consideration in the DEIS of the loss of material due to wind and waves, which would not, therefore, later be available to refill the trench. Further, this lost material will contribute additional sediment load to surrounding shallow and rocky habitats.

S1-16 Total suspended solids levels generated by the dredging appear to be high and widespread, but a more thorough sediment characterization and description of TSS concentrations is needed to assess affects. The TSS gradient within the plume, from the point of generation down to ambient levels, should be determined.

S1-17 The need to dig a 50' wide trench to bury a 24" diameter pipeline (maybe 30" diameter with concrete coating) is not addressed. Particularly when the DEIS proposal is only to bury the pipe for half of its width, this seems like an overly generous sized trench. Even with the full burial of the pipe that DEP will specify, the amount of seafloor disruption and sediment moved appears excessive. Alternatives to minimize seafloor disruption should be explored.

S1-18 The blasting work may result in immediate mortality of finfish and crustaceans. The species affected would depend on the time of year this work is done. A discussion of the expected kill radius of the blast should be included in the FEIS so as to be able to better determine whether additional measures are needed to reduce it.

• Trench Excavation: Depths greater than 25'

In water depths greater than 25', either a subsea plow or jet plow will be used to excavate an 8' deep trench. The method used will depend on equipment availability. The subsea plow would excavate a trench 25' wide at the top and narrower at the bottom,

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S1-14 We have included lengths of the pipeline exposed at utility crossings and an assessment of their possible impacts on migrating benthic animals in section 3.4.1.2 of the FEIS.

S1-15 Based on marine geophysical surveys conduced since issuance of the DEIS, blasting would not be required for the marine portion of the Islander East project. Therefore, Islander East is no longer proposing offshore blasting. See section 2.3.4.3.

Were Islander East to encounter bedrock surface subsequent to pipelay that interfered with pipeline lowering, the most likely option would be to cover the length of the pipeline with articulated concrete mats that would provide protection and stabilization. Section 3.3.3.2 of the FEIS has been modified with updated information obtained from Islander East's site-specific computer modeling of sediment dispersion, including wind and wave dispersion.

S1-16 See response to comment 15.

S1-17 The width of the trench is needed to accommodate slumping of the sides of the trench while adequate depth is established through material excavation.

S1-18 See response to comment 15.

with sediment side-cast in 25' wide mounds on either side. The subsea plow would require two passes: one to dig the trench and one to bury the pipe. This activity would affect 183 acres. Some 504,367 cubic yards of sediment would be displaced. The subsea jet would excavate a trench 40' wide at the top and 10' wide at the bottom. Up to two passes of the subsea jet would be required to dig the trench. About 662,000 cubic yards of sediment would be dislodged, about 50% of which would be fluidized and become suspended. The majority of the sediment would be deposited within 130' on either side of the trench, with an estimated depth of 3.9" deep at 130' away. Total area affected would be 733 acres. Based on the Eastchester model, the plume containing greater than 30 mg/l TSS could extend for 7,800' in length and 1,900' wide.

Regardless of which equipment is used to dig the trench, a two-barge system, consisting of a lay barge and a bury barge, will be used to support the equipment. Arrays of 8-12 anchors will be used to position and move the barges. Tugboats will reposition the barges at half-mile intervals. Anchor cable lengths vary depending upon depth, with a maximum length of 2,500' in front and 2,000' to the sides. Midline anchor buoys will be used to minimize contact of the cables with the seafloor. Each anchor measures 8.6' by 10'. A 20' drag is assumed. Each anchor would therefore impact 172 sq. ft. of seafloor. Also, the anchors will penetrate 8' deep. Total area affected would be 9.7 acres for the plow and 7.3 acres for the jet.

Total acreage affected is similar for both methods: 3,022 acres for the plow and 3,029 acres for the jet. Comparing the plow to the jet, the plow has more impact due to cable sweep and anchor scars, whereas the jet has higher trenching impacts due to larger amounts of material deposited on either side of the trench.

S1-19 As with the shallow water trench, the amount of seafloor disturbed by the two trenching methods seems excessive relative to the pipeline diameter, particularly when the DEIS plan calls for burying the pipe only to one half of its diameter. Even with full burial of the pipe, the amount of seafloor disruption and sediment moved seems excessive. Alternatives to minimize seafloor disruption should be explored.

S1-20 Long-term alterations to habitat are not addressed in the DEIS. Possible long-term changes could result from either the plow or jet methods. With the plow, the ability to backfill the trench without leaving voids is questionable. If the jet is used, it appears that plans do not call for backfilling the trench, but rather depending on sloughing off and settling of the trench walls to fill in the trench (p. 2-27). No information is provided to indicate how that would work and what conditions would exist after. We assume that Islander East considers the sediment that is not suspended (50% of the jetted sediments) will be sufficient to bury the pipeline to half its diameter. Potentially, there would be mounds of unspecified size on each side of the pipe, and a trench of unknown width. The consistency of the sediment after jetting is not discussed. In addition, a considerable number of anchor scars, an estimated 2,628 reported in the DEIS, will result in permanent habitat alteration. The discussion of these scars is limited to short-term impacts and eventual recolonization by invertebrates. While much of the scar area would be

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S1-19 See responses to comments 12 and 17.

S1-20 A discussion of long-term impacts and the potential for depressions left from trenching, backfilling, and anchor scars to become sinks for organic matter has been included in section 3.4.1.2 of the FEIS.

S1-20 recolonized, these kinds of depressions can become sinks for organic matter and detritus, further inhibiting recovery. A search of the literature would be useful to determine if these kinds of features have been studied.

S1-21 The pipeline passes through productive lobster habitat. DEP Marine Fisheries is aware of at least four Connecticut commercial lobstermen who fish in the area and who may have a significant portion of their gear in the work corridor. Islander East has met with commercial lobstermen to discuss their concerns and attempt to minimize the impacts on their fishing activities. Several items are listed in the DEIS that focus on minimizing interference with fishing activity. One major item is to install the pipeline during winter months when fishing activity is minimal. This condition would limit the installation to approximately January through March. It is not clear if Islander East would do the construction during these months. Furthermore, as recognized in the DEIS, winter often brings storms that could exacerbate the problems with suspended sediment in the nearshore areas as described above.

Although construction during the winter may lessen impact on fishing activity, it should be noted that there is probably no time of year that would be better than any other for reducing the mortality of lobsters as a result of installation. Such mortality may have a negative effect on the local lobster fishery. The DEIS concludes that impacts to lobsters will be temporary, however, the duration of the effects on lobster habitat and the effect on local fisheries is not discussed. Due to the large amount of acreage involved, significant mortality of lobsters is likely from trenching, side-casting, suspended sediment, cable sweep, and anchoring. Eventually, lobsters will move in from surrounding areas, and larval lobsters will settle in the area. But in the interim, local catches of legal size lobsters may decrease, and the amount of time needed to return to pre-installation catch rates is not known. Also, the amount of permanent habitat rendered unsuitable due to trenching and anchoring is not addressed. Some of these areas may become unsuitable as lobster habitat (e.g., anchor holes, and sediment in the trench that may not reconsolidate).

S1-22 Due to the possibility of long-term habitat alterations and very difficult short-term effects described above, the choice of equipment, i.e., the plow vs. the jet, should not be determined by Islander East simply on the basis of availability. Once the issues raised here are addressed, equipment can be selected that will minimize impacts.

S1-23 Lastly, from a Long Island Sound perspective, it should be noted that the Eastern Long Island Extension (ELI) System Alternative would avoid trenching in shallow water habitat. This project should also be examined to determine if a route is possible which would also minimize disruption of lobster habitat and fishing activities.

Wetland Impacts

As stated in the DEIS, there will be numerous impacts to the wetlands crossed by the pipeline including direct excavation, grading, filling, compression, and various

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S1-21 We agree that there is no preferred time of year to carry out construction with regard to avoiding impacts to adult lobster. However, we believe that use of the subsea plow to install the pipeline would minimize impacts to lobsters because the plow impacts a smaller area and it would resuspend significantly less sediment than jetting. Additionally, use of anchor mid-line buoys will reduce cable sweep impacts to lobsters. Section 3.4.1.2 of the FEIS has been revised to include a discussion of the potential impacts to lobsters and lobster habitat.

S1-22 We have recommended that the Commission require the use of the subsea plow. See section 3.4.1.2 of the FEIS.

S1-23 Thank you for your comment. This information has been included in the FEIS in section 4.2.2.

potential changes to wetland hydrology. While some of the impacts will be temporary, many will be permanent. The proposed project will alter over 34 acres of inland wetlands in Connecticut. By comparison, for the calendar years 1998 and 1999, the total wetland alterations permitted in the entire state were 138 and 132 acres, respectively. In addition, 123 acres of wetlands were created in 1998 and 66 acres in 1999 as mitigation for associated alterations.

S1-24 The DEIS does not include any discussion of mitigation of wetland impacts. The FEIS should evaluate opportunities for restoration of wetlands and watercourses along the project corridor. Given the degraded nature of many of the wetlands along the corridor, it should not be difficult to identify opportunities for mitigation. Many of the wetlands along the Algonquin pipeline right-of-way are dominated by *Phragmites*, while those along the Branford Steam Railroad are impacted by drainage constrictions, invasive species, and occasionally debris. With the substantial wetland impacts of the Islander East proposal, mitigation of these impacts should be provided.

A detailed review of all inland wetland disturbances and stream and river crossings will be conducted by DEP's Inland Water Resources Division. Application materials describe several possible approaches to wetland and watercourse crossings that may be implemented depending on site-specific circumstances. More detailed information relevant to each specific crossing will be necessary prior to staff review.

S1-25 Additionally, Islander East's application materials state that vernal pools may be present in the corridor. Vernal pools are sensitive habitats that support obligate species, some of which are listed as threatened in Connecticut. At least two vernal pools were identified during DEP field review for these comments. One lies on the west side of the railroad tracks just south of the sewer line right-of-way at Hubbard Road, while a second lies on the east side of the tracks south of Interstate 95 and appears to be right at the delineated limit of the project work area. Additional information should be provided in the FEIS that specifically identifies the boundaries of all vernal pools, the upland area habitat that supports resident species through their life cycles, and how construction activities and removal of vegetation within the right-of-way may affect the habitat and hydrology of the pools. This information will be critical to the review to be conducted by DEP's Inland Water Resources Division.

Watercourse Crossings and Issues

To protect fisheries resources in inland waters, the DEIS calls for conducting in-stream work during the low flow seasons, consistent with DEP Inland Fisheries Division guidance. Typically DEP Fisheries requests that in-stream work be limited to the period running from June 1 through September 30. In streams not supporting cold water fisheries, work beyond September may be allowed on a case-by-case basis after reviewing construction plans.

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S1-24 As outlined in section 3.7.2 of the DEIS, wetlands would be temporarily and permanently altered by the construction of this pipeline project, but no net-loss of wetlands would occur. Forested wetlands would be allowed to regrow after the project is completed within the temporary rights-of-way and extra work areas. In addition, our Procedures require that vegetation maintenance not be conducted over the full width of the permanent right-of-way in order to minimize the impact of the pipeline on forested and scrub-shrub wetlands. Forested wetland trees would be allowed to grow back within the permanent right-of-way, except for a 30-foot-wide corridor centered on the pipe that would be kept free of trees to facilitate periodic pipeline corrosion/leak surveys. In addition, Islander East had developed draft site-specific plans for wetlands in the Branford Land Trust. See section 3.5.2.

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

S1-25 Islander East met with the CTDEP on May 29, 2002, and during the discussion, vernal pool information needs of the CTDEP were clarified. In Connecticut, vernal pools are regulated as wetlands. If a vernal pool is present within a currently delineated wetland, then it will received regulatory review as part of the CTDEP's review of the Islander East Office of Long Island Sound Programs application. Islander East states it does

Streams supporting anadromous fisheries resources may be subject to additional restrictions to ensure that construction does not interfere with successful migration to spawning areas. This would apply to the Farm River and Stony Creek.

The proposed plan calls for completing all 12 watercourse crossings in Connecticut using the flume method. It is noted that the dam and pump method may also be used. DEP Fisheries will provide comments on these stream crossing issues within the DEP Inland Water Resources Section 401 Permit review rather than at this time.

S1-26 Project engineers should attempt to construct all stream crossings to avoid damage to important fish habitats that cannot readily be restored after the crossings are completed. Examples of habitats to be avoided include undercut banks, especially where they are associated with the roots of large streambank trees. Other habitats that may be difficult to recreate include scour holes and other deep pools. Project designers are also urged to 1) minimize the work footprint both within the watercourses and within the adjacent riparian areas, 2) use bio-engineering to reestablish stream banks rather than using hard armoring, 3) avoid or minimize the in-stream use of rip-rap, 4) minimize clearing of vegetation in riparian areas, and 5) preserve and restore riparian vegetation to the greatest extent possible, as it aids in shading and cooling water, as well as providing protective cover. With respect to in-stream use of rip-rap, any rip-rap used should be installed below grade and overlaid with stockpiled streambed substrates that had been removed to construct the crossing.

Branford Steam Railroad

The latter four miles of the Connecticut on-shore portion of the pipeline follows the Branford Steam Railroad (BSRR) corridor. It crosses the tracks themselves six times during the four miles. These crossings are intended to minimize wetland impacts, avoid rock outcrops, avoid conflicts with the railroad's operations and future plans, and potentially minimize impacts to residences along the northern portion of the four miles. Due to the abundance of trackside wetlands and these other constraints, it is not always possible to be on the "right" side of the tracks.

S1-27 The one area where it is pretty clear that the pipeline is on the "wrong" side of the tracks is at BSRR's marshalling yard just north of Pleasant Point Road. Here the pipeline stays on the east side of the yard, running through wetlands, rather than on the dry ground to the west. We understand that this reflects the plans of the railroad to expand this yard westward and, therefore, understandably they do not wish the pipeline to be in this area. It might, however, be possible to run the pipeline west of the limits of the yard expansion, avoiding both wetlands and conflicts with the railroad's plans.

S1-28 DEP concurs with FERC that the Pond Variation along the southern portion of the BSRR corridor is preferable to the applicant's proposed route. Although the water quality in the pond appears to be very good and the pond will be severely disturbed by the short-term construction impacts, permanent impacts to the pond should not be great.

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not know of any vernal pools that are outside the boundaries of already identified wetlands within the proposed right-of-way. **The vernal pools that exist along the proposed pipeline route and identified by the CTDEP appear to occur within the already identified wetlands CT-A11 and CT-A13 and therefore will receive regulatory review by the CTDEP.**

S1-26 We believe use of our Procedures and Islander East's ESC Plan would minimize impacts on waterbodies. Workspaces, use of rip rap, and vegetative clearing would all be minimized. Riparian areas would be restored. We do not have a requirement for the use of bio-engineering in restoration, but we have no objection to it as long as it provides at least the same level of protection as the erosion and sediment controls required by our Procedures. If Islander East develops restoration plans using bio-engineering, it would need to file a request to do so along with plans for their use with the Commission for written approval by the Director of OEP. Islander East's ESC Plan states that clean gravel or native cobbles would be used for the upper 12 inches of trench backfill in all coldwater fisheries. The ESC Plan also states that the use of rip rap on the slopes of waterbodies would be minimized.

S1-27 See section 4.4.3 for a discussion of the Marshalling Yard Variation.

S1-28 Thank you for your comment.

S1-28 The construction activities will remove the *Phragmites* growth along the eastern edge of the pond. The Pond Variation will avoid the longer proposed route which covers uneven terrain, would require extensive forest clearing, would require blasting to traverse rock outcrops and would disturb Branford Land Trust property.

S1-29 Due to the nature of the cargo carried by the Branford Steam Railroad, i.e., crushed trap rock, its cars carry very heavy loads. It would seem that the vibration caused by these trains passing along and over the pipeline could, in the long term, damage section welds or have other deleterious effects on the pipe. FERC may wish to consider incorporating shock absorbent matting under or around the pipe, either for the length of the railroad corridor or at least where the pipeline crosses directly under the tracks.

Environmental Inspector

S1-30 Condition #7 of the FERC Staff Recommended Mitigation (page 5-13) requires an environmental inspector for each construction spread to monitor construction activities and ensure compliance with all environmental permits and conditions. This is a valuable measure. DEP would like to further recommend a mechanism for administering this which has worked exceedingly well, by accounts of all involved parties, first on Amtrak's Northeast Corridor electrification project, then on large scale State transportation projects. The recommended mechanism is to have the project applicant (Amtrak or ConnDOT in our cases, Islander East here) fund the environmental inspector position(s) but have the inspector(s) be either an employee of FERC or a direct reporting contractor to FERC. This not only removes any external appearance that environmental monitoring might not be strictly undertaken, but it maximizes the effectiveness of the environmental inspector. This arrangement has worked out very well for us and been praised by the project sponsors. We highly recommend this approach to FERC and Islander East should this project proceed.

Invasive Species

S1-31 As note earlier, *Phragmites* has taken dominant hold in several wetlands crossed by the existing Algonquin pipeline in North Haven and North Branford. This is consistent with experience in other utility corridors as well. As this and other invasive species become established and proliferate through pipeline corridors, they gain easier access to other areas that may become disturbed. The DEIS is unclear as to when native species will be planted post-construction versus when areas will be allowed to become reestablished naturally. Mitigation of invasive species and long-term control is not directly addressed in the DEIS analysis. It calls for Islander East to inventory the status of nuisance species and report on native species diversity. The applicant should prepare an invasive species management plan that includes restoring disturbed areas with native vegetation and continuous monitoring and removal of invasive species over the life of the project. The plan should also apply to any future maintenance or repair work that may be needed to the pipeline. An evaluation of the existing vegetation within Algonquin's

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S1-29 See responses to comment letter G3.

S1-30 In addition to having the Islander East environmental inspectors present, FERC conducts independent environmental inspections during and after construction of projects authorized by the Commission. Depending on the specifics of the project, these inspections are completed by FERC staff and/or qualified contractors under direct supervision of FERC staff. The environmental inspector would also be charged with verifying that compliance remained intact, and that ongoing mitigation measures were succeeding once construction was completed.

S1-31 See response to comment 22 in letter F3.

S1-31 right-of-way may show the potential for invasive species to propagate in this region and provide useful information on formulating an effective management plan.

Open Burning

S1-32 Options for disposal of trees and brush cleared from the right-of-way are discussed on page 2-10 and in the Erosion and Sediment Control Plan on page 3-4. These are listed as stockpiling on-site, hauling off-site for disposal, chipping and spreading, or open burning. (Merchantable timber would be sold.) Open burning is no longer allowed in Connecticut for disposal of land clearing debris. The previous exemption allowing open burning was repealed in 2000. DEP would prefer chipping and spreading as the optimal disposal method for unmerchantable materials.

Rock Backfill

S1-33 On page 3-9 of the Erosion and Sediment Control Plan, under Backfilling (Sect. 3.5.8), condition 2 states "Excess rock, including blast rock, may be used to backfill the trench to the top of the existing bedrock profile in accordance with Company specifications." It is our understanding that rocks should not be in contact with the pipe after backfilling, and that the builders of the Iroquois pipeline were assessed significant penalties for failing to adhere to restrictions against direct rock-pipeline contact on sections of their facility in New York State. This condition of the Plan does not appear to be consistent with that concern.

Site-Specific Sediment Surveys

S1-34 On page 3-36 of the DEIS, FERC recommends that Islander East perform site-specific sediment surveys to confirm that affected corridor sediments are below Effects Range-Low (ERL) criteria. DEP assessments to date of pipeline corridor sediments have not indicated that any contamination problems are present. However, if additional surveys are performed, DEP requests that results of such surveys be provided to George Wisker of the DEP Office of Long Island Sound Programs for review.

Site-Specific Sedimentation and Erosion Plans

S1-35 While this is not, strictly speaking, a DEIS comment, Islander East should be aware that they will need to provide DEP with site-specific plans for each wetland and watercourse crossing, including the S&E controls proposed at each site, for review for the Section 401 Water Quality Certificate. Application materials submitted to date outline, in a generic fashion, S&E methods that would be used depending on site conditions. However, without site-specific information on topography, soil type, access and staging areas, orientation and location of on-site and adjacent resources, and other factors, we cannot adequately evaluate the effectiveness of the proposed S&E control methods. With respect to access road improvements, Section 3.2 of the Erosion and Sedimentation Control Plan states that access roads may require replacing or installing culverts. Such

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S1-32 Thank you for your comment. As indicated in section 2.3.1.2, vegetation may be burned if permitted. Also as indicated in section 3.2.2, Islander East and Algonquin have proposed to submit their ESC Plan to the state and/or local NRCS office for review.

S1-33 You are correct. The pipeline must be surrounded with padding material that does not include large rocks. Backfiling with rock so that the rock would be in direct contact with the pipe could damage the pipe by denting it or by removing or scrapping off the protective pipe coating. However, above the padding materials the trench may be backfilled up to the level of the bedrock profile with rock debris.

S1-34 Thank you for your comment.

S1-35 Thank you for your comment.

S1-35 improvements should be identified in the application along with the necessary information to allow a complete review of the potential adverse impacts from these activities.

Cheshire Compressor Station

S1-36 The Cheshire Compressor Station will have a direct impact on actively used agricultural land. According to the DEIS, 6 acres of agricultural land will be impacted permanently. Application materials submitted to the Connecticut Siting Council show an access road alignment to the station that perfectly bisects the existing actively used fields. It appears that the access route could be run closer to Interstate 691 along the northern edge of the fields, very substantially minimizing the loss of active cropland while still avoiding conflicts with the tie-in gas line from the compressor station to the Algonquin pipeline. There do not appear to be any other impacts that would result from this alignment.

S1-37 It is noted that the compressor station site lies within the North Cheshire Wellhead Aquifer Protection Area (APA). It appears that the project had made a good attempt at avoiding most important groundwater resources, and important existing and potential water supply sources. However, additional information on two points needs to be supplied. Site selection justification and alternatives must be discussed to explain why the facility is located within to APA or whether it can be located elsewhere. Details of the activities proposed in the Control Auxiliary building need to be provided and assessed relative to potential impacts to the aquifer. Included should be a description of potential groundwater quality impacts and mitigation measures. Protection and mitigation measures should address underground storage tanks, emergency generator fuel, hazardous material and equipment storage, workshop chemicals, wastewater disposal and stormwater management to the extent that any of these issues are relevant to the design and function of the auxiliary building or compressor station.

Design and operation measures for this facility should include: 1) no underground storage tanks or piping for oil or petroleum fuel or hazardous materials. Any aboveground emergency fuel storage should be minimized and be double walled or incorporate 110% secondary storage. 2) Above ground hazardous material storage should be minimized to small containers such as 2.5 gallon size, with a 55-gallon maximum on total storage. Storage should be inside the building and have 110% secondary containment. 3) No dry wells, floor drains or other infiltration structures shall be sued in the buildings, and 4) A pollution prevention and emergency response plan should be developed for any hazardous material.

S1-38 Relative to the DEP Air Bureau's Permit to Construct and Operate for the Cheshire Compressor Station, the following minor points are noted:

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S1-36 The location of the access road is discussed in section 4.5.

S1-37 Your comments have been addressed in sections 3.3.1.2.

S1-38 Regarding a general conformity analysis, based upon analysis of the General Conformity Rule and EPA guidance, FERC should not include the emissions from mobile sources and non-road equipment used in pipeline construction activities when calculating the total emissions caused by certification of natural gas pipelines. If these indirect emissions are excluded, then the total emissions from the pipeline will be de minimus. If a Federal agency determines that the emissions caused by its actions are de minimus, then the action is exempt from the General Conformity Rule. Consequently, a conformity analysis of the Islander East Pipeline Project is not required.

S1-38
- On page 3-123, reference is made to Section 22a-174-3 of the Regulations of Connecticut State Agencies. This section had been replaced with Section 22a-174-3(a).
- A general conformity analysis should be conducted if there is federal involvement associated with this project. Please refer to 40 CFR 93.150, Subpart B, which states "No department, agency or instrumentality of the Federal government shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to an applicable implementation plan."
- The project is located in an area that is classified as non-attainment for ozone and maintenance for CO. Therefore, a general conformity analysis should evaluate emissions of NO_x, VOC, and CO associated with this project. The analysis should include all emissions, direct and indirect as defined in 40CFR 93.152).
- Per our comments provided during the scoping phase of this project, best management practices should be utilized to minimize air quality impacts. DEP recommends the use of construction equipment with air pollution control devices, such as diesel oxidation catalysts or particulate filters.
- As identified in the previous review of the project, construction of the compressor station should consider noise sensitive receptors in the area. The compressor station must conform to State noise regulations, Section 22a-69 of the Regulations of Connecticut State Agencies.

Mid-line Buoys

S1-39 Cable sweep impacts account for the majority of this project's acreage of disturbed bottom of Long Island Sound. As shown on the tables on pages 3-38 through 3-41, the extent of this impact can be significantly reduced through the use of mid-line buoys to suspend the anchor cables above the Sound floor. Depending on the pipeline placement method chosen, cable sweep impacts are reduced 37-44% from the area impacted without the buoys. Therefore, we ask if it is possible to employ perhaps two buoys per anchor cable and thereby achieve a further significant reduction by suspending a greater percentage of the anchor cable length off the bottom. Obviously, a point of diminishing returns is soon reached. However, if the buoys, once set upon the cables, do not require further manual efforts to reset them, it may be practical to employ two (or more) buoys per line and achieve worthwhile further reductions in cable sweep impacts. In any case, we will require the applicant to address this or other methods to reduce cable sweep impacts during the permitting process.

Alternative Onshore Construction Methods

S1-40 The DEIS states that the "stove pipe" or "drag section" methods may be used where residences and businesses are closer than 25 feet from the work area or where the construction right-of-way is narrow. These methods are not described with the same level of detail as the other methods. It appears these methods would cause less disturbance and thus potentially fewer environmental impacts. The FEIS should address

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S1-39 Thank you for your comment. Islander East would set the mid-line buoys to achieve the maximum reduction in cable sweep.

S1-40 These construction methods are generally used when the pipeline construction would be close to a residence or a business, or for in-street construction. Construction by this method takes longer to complete than more typical upland construction methods. If they were used in more areas rather than in limited applications, the project would take longer to complete and extend the timeline for impacts in each area.

S1-40 why these methods are not proposed to be utilized more extensively throughout the corridor

Pipeline Life Span

S1-41 What is the predicted useful physical life (not economic life) of a pipeline using current technology and standards? Who is responsible for removing it after abandonment should that need arise, in whole or in part? While it may be worthwhile to leave an abandoned pipeline in place rather than risk the impacts of removal, it could be necessary or desirable to remove at least portions of it someday. Does FERC's authorization anticipate and speak to that situation?

Again, DEP appreciates the opportunity to review this DEIS and to submit these comments. Please feel free to contact Frederick Reese of my staff at (860) 424-4110 if you have any questions about any points contained herein.

Sincerely,

Arthur J. Rocque, Jr.
Commissioner

AJR FLR

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S1-41 Pipelines are usually expected to last at least 20 years. With modern cathodic protection methods, a pipeline probably would last longer. Some pipelines that were installed in the 1940s are still viable parts of interstate transportation systems. If Islander East wants to abandon this project at some future date, it would have to file an application with the Commission to abandon the pipeline.

New York State Department of Environmental Conservation
Division of Environmental Permits, 4th Floor
625 Broadway, Albany, New York 12233-1750
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Erin M
Comm

May 17, 2002

The Honorable Magalie Salas, Secretary
Federal Energy Regulatory Commission
Room 1A, East
888 First Street, N. E.
Washington, DC 20426

RE: NYSDEC Comment on the DEIS for the Islander East Pipeline Project
Docket # CP01-384

Dear Secretary Salas:

The New York State Department of Environmental Conservation is charged with issuing the state water quality certification for the proposed Islander East Pipeline Project under Section 401 of the Federal Clean Water Act. This Department is also the state agency with primary responsibility for the protection of New York State's environment. As such, this Department has been actively engaged in reviewing the environmental impacts of this project.

This Department has reviewed the March 2002 Draft Environmental Impact Statement for the Islander East natural gas pipeline project. We have the following comments.

2.0 PROPOSED ACTION

2.3.2.8 Waterbodies (pp. 2-17 to 2-24)

S2-1 In the second paragraph of the "Construction - Horizontal Directional Drill Crossing Method" on page 2-18, it is stated that water for the drilling mud would be obtained "...from the waterbody during drilling or would be trucked in from a commercial source." The Department would be opposed to the use of any waterbody for water sources due to significant potential adverse ecological impacts. Accordingly, water for drilling mud should be obtained solely from trucked-in sources or from wells.

S2-2 In the first paragraph of the "Construction - Wet Trench Crossing Method" on page 2-22, it is stated that Islander East intends to cross the Peconic River at MP 38.5 using the wet trench crossing method. This method is environmentally unacceptable to the Department. All wetland and riverine

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S2-1 Section 2.3.2.8 of the FEIS has been revised to address your requirement.

S2-2 Islander East has modified its proposed crossing method for the Peconic River. It now intends to cross it by a HDD. See section 2.3.2.8 and 3.3.3.2 of the FEIS.

S2-2 crossings should be conducted using Horizontal Directional Drilling, which best avoids disturbance to wetlands and waterbodies.

S2-3 Brookhaven National Lab is involved with contamination clean up activities along the Peconic River. Islander East's crossing of the Peconic River must include close coordination with the clean up activities at Brookhaven National Lab.

Marine Issues
2.3.4.2 Long Island Mainland Approach (pp. 2-32 to 2-36)

S2-4 This section notes that the chief methods being considered for installation of the pipe within 1,000 feet of the Long Island shoreline are the dredge construction technique and a modified open cut approach using sheet piles. The dredge technique would be conducted not only for pipeline installation but also to allow the dredging barge to move progressively closer to shore. This technique would entail the disturbance of a significant amount of the existing benthic community and the disturbance and movement of a significant amount of benthic sediment. It also noted that the dredged material would be sidecast into the water adjacent to the trench for trench installation and then would be backfilled after the pipeline is installed. The Department would object to this dredging approach due to the significant potential adverse impacts associated with this method. The Department has consistently been on record as objecting to the sidecasting of material within the water column due to adverse effects on water quality and associated impacts on the benthic community and certain pelagic organisms. Further, an even broader area is proposed to be disturbed due to the need to move the barge gradually to shore. An open cut through the beach and dune area will require significant shoreline restoration work. Weather events during the construction and restoration phases may cause significant environmental damage. Accordingly, Islander East should be required to use the Horizontal Directional Drilling (HDD) technique, which would result in significantly less disturbance and impact.

Horizontal Directional Drilling offers several environmental advantages:

1. It obviates the need to dredge a channel for the lay barge.
2. It eliminates the disturbance to the beach and dune area.
3. It would allow for the land to marine pipe tie in to be implemented inland, away from the beach. Discussions between Islander East and this Department indicate that this tie in and testing phase would occur during the spring and summer nesting season for the Piping Plover.

The FERC Certificate recently issued for the Eastchester Extension FERC ID# CP00-232-000, required the use of a Horizontal Directional Drill for the shore approach at Northport for just these reasons. Horizontal Directional Drilling the shore approaches should be required for this project. Alternative methods should only be considered if the use of Horizontal Directional Drill is technically precluded by geologic factors or is otherwise physically impossible.

Marine Trenching and Pipeline Burial

S2-5 On page 3-37 the DEIS states that the estimated quantity of sediments displaced by sub-sea plowing(504,400cy) is greater than the sediments displaced by the dredging method(239,400cy). No profile of the plowed trench is provided. Evaluation of similar projects shows that a plowed trench affording 3 feet of cover over a 24 inch gas pipeline is less than 25 feet across compared to the

STATE 2

S2-3 Section 3.3.2.2 of the FEIS has been revised to address your requirement.

S2-4 Islander East is currently proposing to use the HDD method to cross the beach at the Long Island landfall and the text in section 3.3.3.2 of the FEIS has been revised. Geotechnical investigations conducted by Islander East since issuance of the DEIS indicate that HDD should be feasible in this location.

S2-5 Thank you for your comment.

S2-5 approximately 50 foot width of the dredged trench. Thus the area impacted by sub-sea plowing and the amount of sediment displaced are significantly less than for either dredging or jetting.

S2-6 The DEIS (p.3-54) recommends use of a sub-sea plow near shellfish beds and sensitive areas designated by the State. DEC recommends, and will require in the Section 401 Water Quality Certification, where technically feasible, the use of the plowing technique for burial of the pipeline. This method minimizes disturbance to the bottom and the spread of suspended sediment in comparison to other techniques for rapid installation.

In addition, the use of a sub-sea plow allows the possibility of backplowing the trench following pipe placement. This is an important consideration because this portion of Long Island Sound is home to several bottom fisheries that may impact the pipeline or be impacted if the pipeline remains uncovered for a significant period of time. These fisheries, including trawling and surf clam dredging employ heavy gear that may damage or be damaged from contact with the pipeline. The surf clam fisheries is of particular importance as the heavy surf clam dredges can penetrate over 1.5 feet of bottom sediments, potentially damaging the fishing gear or the concrete coating on the pipe.

In light of these active fisheries and the heavy gear (surf clam dredge, trawls) that they employ, we recommend that by landfall the pipeline should be 5 feet below grade, in waters less than 30 feet the pipeline should have 3 feet of cover and in waters greater than 30 feet the pipeline should have 2-3 feet of cover. The use of a of a sub-sea plow and backplow will immediately establish sufficient cover to address this issue.

Because of these real and significant environmental advantages, the use of a mechanical sub-sea plow and backplow should be required wherever it is technically feasible. Alternative methods should only be considered if the use of a sub-sea plow is technically precluded by geologic factors or is otherwise physically impossible.

The concern that a sub-sea plow may not be available is not plausible. Recent marine pipeline contracting bids on a project that specified a sub-sea plow revealed that most marine pipeline contractors have or can obtain access to this equipment. Given the significant environmental advantages of sub-sea plowing, the "lack of availability" of a plow is not an acceptable reason for the use of jetting or dredging alternatives.

S2-7 The Marine Sediment Dispersion Analysis has been completed by Islander East. An analysis of the results should be incorporated into the Final EIS. However the actual impacts of the pipeline installation should be monitored. The current state of information on these marine impacts contains very little actual information. Turbidity studies are primarily based upon modeling which may contain inaccurate or faulty base assumptions. Past clinical data is essential for determining the potential impacts of this and future marine trenching projects.

S2-8 In addition to water quality monitoring (DO, Temp, Salinity, Total Suspended Solids)during construction, post-construction monitoring must be required. The DEIS states that over 200 acres of benthic habitat will be temporarily impacted. ROV monitoring of the entire Sound crossing on an annual basis until it is demonstrated that the benthic habitat has been restored to pre-construction conditions should be required. Pre- and post-construction benthic recovery index at a selected stations along the crossing would also be useful.

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S2-6 Islander East now proposes to plow the entire route where water depths are 20 feet or greater and bury the pipeline a minimum of 3 feet. At landfall, the pipeline would be greater than 20 feet below the bed of the Sound. Text in sections 2.3.3, 2.3.4, and 3.3.3.2 of the FEIS have been updated to reflect this.

S2-7 The results of the final Marine Sediment Dispersion Analysis have been incorporated into the FEIS in sections 3.3.3.2 and 3.4.1.2. In addition, we have recommended that Islander East develop a long-term monitoring program for the marine portion of the pipeline.

S2-8 See response to comment 7.

2.7.2 AES Long Island Project (pp. 2-48 to 2-50)

S2-9 The need for the Calverton Lateral and it's associated impacts should be carefully evaluated before approval is given for this portion of the project. Department records indicate the proposal for the AES Calverton power plant has been dormant for a considerable period of time. The document should be updated with the most recent status information on this power plant.

3.0 ENVIRONMENTAL ANALYSIS

3.2.1 Existing Environment - New York

S2-10 The last sentence of the first paragraph on page 3-10 lists a soil type incorrectly as "Taynham." The correct spelling should be "Raynham."

3.2.2 Environmental Consequences

S2-11 In the discussion of Muck Soils on page 3-17, the DEIS notes that approximately 1.8 acres of muck soils, associated with wetlands, would be affected in New York (Long Island). No disturbance to wetlands should occur at all and to avoid all disturbance to wetlands, Horizontal Directional Drilling should be used.

3.3.2.1 Surface Water - Existing Environment (pp. 3-26 to 3-28)

S2-12 In Table 3.3.2.2 on page 3-28, the Wet Trench method is proposed for crossing the Peconic River. This is unacceptable. In prior discussions with Islander East the Department noted its objections to any disturbance to the riverbed, wetlands and surface waters associated with the Peconic River. The potential for "jacking" of the pipe over the Peconic River culvert was discussed as one option with Horizontal Drilling as another. This Department prefers horizontal directional Drilling for the minimization of water and visual impacts. "Jacking" should only be considered if an HDD is not feasible.

3.3.2.2 Environmental Consequences (pp. 3-29 to 3-33)

S2-13 Under the General Construction Practices section on page 3-29, the DEIS discusses various parameters for construction within and adjacent to aquatic habitats, freshwater wetlands and surface waters. This includes establishing 10-foot vegetative buffer strips adjacent to banks and placing spoil 10 feet from the water's edge. However, the Department views these mitigation measures as providing little to no protection for freshwater wetland resources and the Department would object to such activities within 100 feet of freshwater wetlands. Accordingly, no physical activities should occur within 100 feet of any freshwater wetlands due to the potential for adverse significant environmental impacts. As has been stated previously, Horizontal Directional Drilling should be utilized for all wetland crossings on Long Island, in particular those involving inland freshwater bodies due to the potential significant adverse environmental impacts that may otherwise occur.

S2-14 On page 3-30 of the DEIS there is a discussion of contingencies in case the HDD of the Carmans River fails. This includes development of an alternate plan for dry flume crossing of the river. As has been alluded to in previous discussions with Islander East, the Department will not entertain

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S2-9 We have recommended that if the projects related to the Calverton Lateral are not developed, then the lateral should not be constructed. See section 2.7.2 of the FEIS.

S2-10 The text has been revised.

S2-11 Islander East has developed alternate construction techniques to avoid direct impact to all wetlands in New York through the use of the HDD method. Our review of the alignment sheets indicates HDD activities would be located greater than 100 feet from each wetland. Sections 3.2.2 and 3.7.2 of the FEIS have been updated to reflect this.

S2-12 Islander East now proposes to use HDD technology for this crossing and the text in the FEIS has been updated. See section 2.3.2.8 and 3.3.2.2.

S2-13 See response to comment 11.

S2-14 Section 3.3.2.2. has been updated to incorporate your requirement.

S2-14 alternate crossing methods that propose any disturbance to the river, riverbed, surface waters or its associated freshwater wetlands, even if these are contingencies, due to the significant adverse impact these may have on the river and its associated natural resources. If these alternative methods are put forth in the document, it is likely that the Department would deny the Water Quality Certification for the project.

S2-15 Furthermore, all drilling activity and disturbance should be situated a minimum of 100 feet from the landward edge of freshwater wetlands associated with the river to minimize disturbance from inadvertent release of drilling mud.

S2-16 In the discussion of Hydrostatic Test Water on pages 3-33 to 3-34 and in Table 3.3.2-3, it is noted that no discharge location has been identified for the hydrostatic testing of the Islander East pipeline or Calverton Lateral. No discharges should occur into any freshwater surface waters or wetlands.

3.3.3.2 Environmental Consequences (pp. 3-36 to 3-45)

S2-17 As stated previously, the dredge construction technique and modified open cut approach may result in significant disturbance to the benthic communities in Long Island Sound. The Department would objects to the dredging approach due to the significant potential adverse impacts associated with this method. The Department has consistently been on record as objecting to the sidecasting of material within the water column due to adverse effects on water quality and associated impacts on the benthic community and certain pelagic organisms. Further, an even broader area is proposed to be disturbed due to the need to move the barge gradually to shore. Accordingly, Islander East should employ the Horizontal Directional Drilling technique, which would result in significantly less disturbance and impact.

Hydrostatic Testing

S2-18 There is little information in the DEIS concerning hydrostatic testing. In New York, the Water Quality Certificate will contain conditions concerning the amount, source, and discharge of hydrostatic test waters as well as the use of any chemical additives that may be required.

S2-19 **3.5.2 Environmental Consequences** (pp 3-62-3-64)The DEIS concludes that the Islander East alignment through the Pine Barrens reasonably reduces tree clearing and construction related impacts to the Central Pine Barrens. It is important to note that in addition to the protection of open and natural space, the protection of the Pine Barrens on Long Island is an important protection for the underlying aquifer that supplies Long Island's drinking water. For this reason the protection of the pine barrens is a water quality issue.

Discussions with the Islander East in the review of the Water Quality Certificate application has resulted in construction techniques and alignment adjustments that reduce clearing by 80 percent over the alignment evaluated in the DEIS. These modifications will be included in the Water Quality Certificate and should be incorporated in the Final EIS.

STATE 2

S2-15 See response to comment 11.

S2-16 Islander East has identified a Suffolk County Department of Public Works recharge basin as the discharge location for hydrostatic test water for the mainline portion of the pipeline on Long Island and a Suffolk County Regional Water Authority dewatering structure as the discharge location for hydrostatic test water for the Calverton Lateral. Section 3.3.2.2 of the FEIS has been updated with information concerning discharge locations. Islander East would not discharge any test water directly into any waterbodies or wetlands.

S2-17 See response to comment 4.

S2-18 Islander East has provided additional information concerning hydrostatic test water sources, discharge locations, and chemical additives that has been incorporated into the FEIS in section 3.3.2.2.

S2-19 We agree that protection of the Pine Barrens is also a water quality issue. The FEIS has been updated in section 3.8.3.2 to reflect Islander East's proposed changes in construction techniques and alignment that significantly reduce tree clearing in the Pine Barrens.

3.6.4.1 Federally Listed or Proposed Endangered or Threatened Species (pp3-67 to 3-70)

S2-20 Discussions between Islander East and this Department indicate that this tie in and testing phase of the Marine and upland sections of the pipeline would occur during the spring and summer nesting season for the Piping Plover.

As long as all construction activities within 500 feet of the beach front occur outside of the April 1 - September 1 time period, no detrimental impacts to piping plovers are anticipated as a result of construction. However, construction, maintenance and testing of the system must be conducted outside of the April 1 - September 1 time period if they require the operation of any motorized vehicles along the beach or if such activities would generate significant noise disturbance (@90 dB) as measured at the intersection of the pipeline and the beach.

3.6.4.2 Other Special Status Species (pp. 3-66 to 3-67)

S2-21 Discussions with Islander East have indicated that they are contemplating an alternative route along Route 25 which would transverse the northern portion of Robert Cushman Murphy County Park. However, this alternative has not been adequately discussed in the DEIS. The area to be transversed contains a rare coastal plain pond shore which includes habitat of the Spotted Turtle, a State Special Concern species as well as habitat of the endangered Tiger Salamander. Accordingly, this matter should be thoroughly addressed.

S2-22 The following provisions are necessary for the protection of Tiger Salamanders:

As a prelude to actual tiger salamander surveys, a survey for vernal pools should be conducted sometime between March 1 and August 1. These surveys should be done within three days following significant rain events (> .1") in order to capture potential vernal pools that may be missed due to drought conditions. Surveys should extend for 500' from the proposed path of the pipeline. Ponds that are found holding water during this time period are potential breeding locations and should be re-examined following the protocol for surveying Tiger salamander ponds. Potential tiger salamander ponds should be examined for egg masses and/or the presence of adult animals during the months of February and March. Supplemental surveys can be conducted in June by seining ponds for the presence of developing salmander larvae. There is no way to determine the status of a potential pond between the months of August and January. If any potential tiger salamander breeding ponds are identified within 500' of the pipeline pathway, the preferred alternative is to
S2-23 re-route the pipeline beyond 500'. Alternatively, horizontal drilling can be used for that stretch of the pipeline within 500' of the pond as long as there is no disturbance to the upper 2' of the soil horizon as a result of the drilling. If re-routing or horizontal drilling are not possible, as a last resort the area to be cleared within 500' of potential breeding ponds should be encompassed with drift fencing that extends down into the soil to a depth of 1' and contains pitfall traps (5 gallon buckets) that are flush with the fencing. The pitfalls should be placed every 50' along the project side of the fence. This fencing must be in place and monitored daily for a minimum of 21 days prior to the initiation of clearing activities and continued throughout the duration of the construction process. All salamanders caught in pit falls should be immediately removed to the opposite side of the drift fencing. Upon the completion of construction within 500' of potential tiger ponds, all drift fencing and pit fall traps should be removed immediately. While trapping, pit falls must be visited daily. If a daily visit cannot occur, the traps must be closed in advance to prevent the inadvertent loss of animals in the traps due to predation or starvation.

STATE 2

S2-20 Islander East is currently proposing the use of the HDD method to cross beach at the Long Island landfall. Use of the HDD method would avoid direct impacts to piping plover habitat and HDD activities would occur greater than 500 feet from the beachfront.

Islander East would bury hydrostatic test water supply hoses under the beach habitat before piping plover nesting begins on April 1. The hydrostatic test water pump would be placed approximately 500 feet inland from the beach. Islander East would take necessary steps to ensure no beach grass disturbance occurs during the hydrostatic testing operation. The intake hoses for the hydrostatic test water would be placed several hundred feet offshore and suspended at a mid-water column depth with buoys. Islander East personnel would walk down to the beach periodically to check the intake and the condition of the hydrostatic test hoses during the hydrostatic testing operation. Islander East will be required to continue consultation with the FWS to confirm that these activities would not disturb the piping plover. Section section 3.6.

S2-21 The FEIS has been modified to include this information. See sections 3.6 and 4.3.8.

S2-22 As recommended in section 3.6.4.2 of the DEIS, Islander East has conducted surveys for Tiger Salamander along the proposed pipeline corridor on land in New York. The results of this survey were filed with the Commission on June 19, 2002. Section 3.6.4.2 of the FEIS incorporates the results of this report.

3.7.2 Wetlands - Environmental Consequences (pp. 3-73 to 3-77)

S2-24 As stated previously, no physical activities should occur within 100 feet of any freshwater wetlands due to the potential for adverse significant environmental impacts. As has been stated previously, Horizontal Directional Drilling should be utilized for all wetland crossings on Long Island, in particular those involving inland freshwater bodies due to the potential significant adverse environmental impacts that may otherwise occur.

S2-25 At the top of page 3-76 it is stated that the Islander East pipeline would cross the headwaters of the Peconic River and its associated wetlands within Brookhaven State Park between MP 38.3 and MP 38.4. This milepost position is located adjacent to Brookhaven National Laboratory, not Brookhaven State Park. Furthermore, as stated above, the Department would only consider the HDD or jacking methods for crossing the Peconic.

S2-26 At the top of page 3-76 it is stated that the Islander East pipeline would cross the Carman's River and its associated wetlands within Southaven County Park and that the construction and operation would affect 1.8 acres and .2 acres respectively. This is in contradiction of prior DEIS statements that Islander East would utilize HDD for crossing the Carmans River. As stated above, the Department considers HDD the only acceptable alternative for crossing the Carmans and all areas of disturbance should be a minimum of 100 feet from freshwater wetlands.

3.8.1.2 Environmental Consequences

S2-27 The Department believes that most marine fisheries issues can be resolved by the proper setting of construction work windows. This is especially true for Winter Flounder.

S2-28 On Page 3-82, an action mentions consulting CTDEP regarding notification of lobstermen of the construction. Similar provisions for the New York portion of the crossing are necessary New York also has multiple active fisheries in the path of the proposed pipeline.

3.8.3 Recreational and Public Interest Areas

S2-29 It us unclear from the discussion presented if Islander East has avoided any disturbance to or crossing of NYSDEC-managed state lands. This should be thoroughly addressed in the document.

4.0 ALTERNATIVES

4.2 System Alternatives

S2-30 There are several system alternatives described in Chapter 4 which the Department strongly supports from an environmental perspective. These alternatives would reduce the direct impact of proposed pipeline installation by combining separate projects to decrease the number of times the Long Island Sound would be crossed and/or to reduce the number of times the onshore portion of the route is excavated.

If the Commission decides that current and future market data support the need to transport the total volume of gas proposed in both the Islander East and the Iroquois ELI projects, this Department

STATE 2

Section 4.3.8 has been revised to incorporate an HDD of Horn Pond.

S2-23 See response to comment 22. Islander East has agreed to adopt your mitigation measures.

S2-24 See response to comment 11.

S2-25 See response to comment 12. Section 3.7.2 of the FEIS has been modified to reflect your correction.

S2-26 See response to comment 11.

S2-27 We agree that most fisheries issues can be resolved by the proper setting of construction work windows.

S2-28 We agree that NYSDEC and New York commercial fishing interests should be notified of construction schedules. Section 3.8.1.2 of the FEIS has been revised to include this recommendation.

S2-29 All special use areas or recreation and public interest areas that would be crossed are listed in tables 3.8.3-1.

S2-30 System alternatives and our recommendations are addressed in section 4.2.

S2-30 prefers the One-Pipe System Alternative in which a single Long Island Sound crossing and a single onshore pipeline construction would occur.

Less desirable but still preferred over two separate pipeline installation projects is the Long Island System Alternative in which the Long Island Sound would be crossed twice, but the onshore excavation would only occur once.

If the Commission determines that the market will support only one pipeline project, it would appear that the ELI System Alternative which, reduces the length of the Long Island Sound crossing by 5.5 miles, would result is less environmental impacts when compared to the Islander East project, provided that the same onshore route and construction mitigation measures are employed.

4.3.6 Calverton State Route 25 Route Alternative (pp. 4-31 to 4-34)

S2-31 This alternative which would transverse the northern portion of Robert Cushman Murphy County Park. However, this alternative has not been adequately discussed in the DEIS. The area to be transversed contains a rare coastal plain pond shore which includes habitat of the Spotted Turtle, a State Special Concern species as well as habitat of the endangered Tiger Salamander. Furthermore, rare plant species are noted from the area. Accordingly, this matter should be thoroughly addressed and any proposal to construct pipeline in this area must contemplate using HDD.

Thank you for the opportunity to comment. If you have any questions regarding these comments, please feel free to contact me.

Sincerely,

/s/

Kent P. Sanders
Environmental Analyst

KPS/kps

cc: Original and 8 Copies FERC
Service List
DEC Review Team

STATE 2

S2-31 Your information has been added to the discussion of the Calverton State Route 25 Route Alternative in section 4.3.8. We have added a recommendation to utilize HDD in this area.

MORRISON
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May 17, 2002

FILED
02 MAY 17 PM 4:16
FEDERAL ENERGY
REGULATORY COMMISSION

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

Re: Islander East Pipeline Company, L.L.C.
Docket No. CP01-384-000 and
Algonquin Gas Transmission Company
Docket No. CP01-387-000

Dear Ms. Salas:

Enclosed for filing is an original and 14 copies of the Comments of the Public Service Commission of the State of New York on the Draft Environmental Impact Statement in the above captioned proceeding. Pursuant to a Letter Order of the Secretary of FERC, an additional copy has been marked to the attention of Gas Group 2, PJ-11.2 to ensure that these comments will be received in time and properly recorded.

If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

STINSON MORRISON HECKER LLP

Kelly A. Daly

Kelly A. Daly

Enclosures

KAD:cw

KANSAS CITY
LEAWOOD
OMAHA
OVERLAND PARK
PHOENIX
ST. LOUIS
WASHINGTON, D.C.
WICHITA

STATE 3

STATE 3

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Islander East Pipeline Company, L.L.C.	**Docket Nos. CP01-384-000**
Algonquin Gas Transmission Company	**CP01-387-000**

COMMENTS OF THE
PUBLIC SERVICE COMMISSION OF THE STATE OF NEW YORK
ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Pursuant to the procedural dates established in a Letter Order issued by the Secretary of the Federal Energy Regulatory Commission (Commission) in the above captioned proceeding, the Public Service Commission of the State of New York hereby files its comments to the Draft Environmental Impact Statement (DEIS).

In March 2002, the Commission issued its DEIS on the proposed Islander East Pipeline Project (Islander East). Islander East proposes to construct pipeline facilities that would cross Long Island Sound (Sound) to provide 285,000 dekatherms per day of firm transportation capacity to eastern Long Island, New York.

The DEIS concludes that with Islander East's proposed mitigation and adoption of measures recommended in the DEIS, construction and operation of the proposed facilities would have limited adverse environmental impact. The Commission also seeks comments on a system alternative which utilizes the Iroquois proposal for its eastern Long Island (ELI) extension project.

S3-1 The ELI Project or the Islander East proposed routing would meet eastern Long Island's need for additional capacity by providing an additional delivery point to eastern Long Island where significant load growth has been experienced

S3-1 Thank you for your comment.

S3-1 and is expected to continue in the future. However, in evaluating these two alternative routes, the competitive market and downstream system impacts are important considerations which should weigh heavily in the decision of which route to certify. A critical downstream consideration is the extent to which the route will increase the diversity of gas supply delivery to Long Island. While the Iroquois ELI Project routing is slightly shorter, it uses a portion of the existing Iroquois Long Island Sound crossing. The Islander East proposal provides contingency protection for both the gas and electric systems because it would include a separate Sound crossing. This separate pipeline would provide protection against total loss of supply if damage were to occur to the Iroquois line upstream of the interconnection to the ELI facilities.

Load on Long Island, both electric generation and core gas markets are already heavily dependent upon deliveries through the Iroquois system. The New York State Reliability Council rules require that the bulk power system be operated so that the loss of a single gas facility does not result in the loss of electric load. Because of Long Island's dependence on the delivery of significant volumes of gas for electric generation from a single pipeline (Iroquois), the number of gas fired generators must be limited when electric load is above critical system load levels. Consequently, specific dual fuel capable units must be switched to oil burning when loads are above those levels. Similarly on the gas side, the Long Island market is heavily dependent on deliveries over the Iroquois system. Diversifying the gas delivery system by selecting a route that is totally independent of the existing Iroquois Sound crossing will enhance the reliability of the energy infrastructure to Long Island. Additionally, to the extent operational constraints are reduced and increased gas firing does not create a reliability risk, environmental impacts of stack emissions will also be reduced.

STATE 3

CONCLUSION

S3-1 Islander East's proposed route should be certified if only one line is built. It will add another source of delivery to Long Island, which will provide contingency protection and improve reliability. We urge the Commission to certify the route proposed by Islander East.

Respectfully submitted,

THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NEW YORK

David D'Alessandro
Kelly A. Daly
Morrison & Hecker L.L.P.
1150 18th Street, N.W., Suite 800
Washington, DC 20036

Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document by first class mail upon each party on the official service lists compiled by the Secretary in these proceedings.

Dated at Washington, D.C., this 17th day of May 2002.

STATE

4

New York State Office of Parks, Recreation and Historic Preservation
The Governor Nelson A. Rockefeller Empire State Plaza
Agency Building 1, Albany, New York 12238

Bernadette Castro
Commissioner

518-474-0456
Human Resources
518-474-0453
Fiscal Management
518-474-0061
TDD: 518-486-1899

May 19, 2002

ORIGINAL

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

Re: Islander East Pipeline Project
FERC Docket Nos. CP01-384-000 and CP01-387-000

FILED
02 MAY 21 AM 8:58
FEDERAL ENERGY REGULATORY COMMISSION

Dear Ms. Salas,

We appreciate the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Islander East Pipeline Project issued in March of 2002. The Agency previously provided comments on the Scope of the DEIS in a letter dated December 3, 2001. As stated in that letter, the Office of Parks, Recreation and Historic Preservation maintains 164 State Parks and 35 Historic Sites and is the steward of more than
S4-1 300,000 acres throughout New York State. Each park and historic site is unique and the natural and open space qualities of Brookhaven State Park are critical to its ecological niche on Long Island. We once again stress the importance of this park not only to its patrons but for its role in preserving the Central Pine Barrens - Core Preservation Area. Currently, the park accommodates passive uses with limited support facilities yet it serves an important ecological purpose.

As outlined in the DEIS, the proposed route of the mainline parallels the eastern side of the William Floyd Parkway and the western border of Brookhaven State Park for 2.3 miles. The permanent right-of way (ROW) (50 ft. wide) is proposed within the Parkway ROW. However, the temporary construction ROW (an additional 25 ft. wide path) would, wholly or in part, encroach on to park property. Vegetation clearing of the entire 75 ft. path (permanent and temporary ROW) would be required. The construction ROW would be allowed to revegetate to pre-construction conditions. Depending on the vegetation type (meadows or forests) this could take from 1 to 150 years. This route avoids approximately 65 residences that could lose property, sheds and pools if the pipeline were on the western side of the parkway. The proposed route puts the pipeline within the Central Pine Barrens-Core Preservation Area and in some instances within Brookhaven State Park.

S4-2 An alternative to locate the pipeline within the median of the parkway was presented in DEIS but FERC did not recommend it stating that the width of the median, topography and traffic flow makes this alternative not feasible. A limited level of detail was provided on the median alternative. As requested in our December 3, 2001 letter, the Agency requests that the median of the William Floyd Parkway be examined more closely and considered as the preferred alternative route (re: the Mainline).

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S4-1 Thank you for your comment. The Brookhaven State Park and the Central Pine Barren Core Preservation Area are addressed in sections 3.8.3 and 4 of the FEIS.

S4-2 The use of the median of the William Floyd Parkway is discussed in section 4.4.6 of the FEIS. Other proposed variations for the route along William Floyd Parkway are discussed in section 4.4 of the FEIS.

S4-3 A lateral line (the Calverton Lateral) would cross approximately 2050 ft. of Brookhaven State Park in the northern "neck" of the park. This "neck" property was acquired with the intention to use it as the main entrance to the park. The pipeline would parallel the western edge of an existing 150-foot wide Long Island Power Authority (LIPA) ROW, which is within the Park. This area is also within the Central Pine Barrens-Core Preservation Area. The pipeline's permanent ROW would overlap the LIPA ROW by 20 ft. on the western side. The remainder of the permanent ROW (30 ft.), the entire construction ROW (25 ft., for a total of 55 ft.), and the pipeline would be on park property. Together with the LIPA ROW, this creates a 205-ft wide linear corridor that would be cleared of forest vegetation within Brookhaven State Park. Further reducing the width of this property would hinder the development of such an entrance.

S4-4 The 55-foot path would be cleared of vegetation (approximately 2.6 acres). This area of the park is pitch pine-oak forest and contains many older oak trees than other areas of the park. The permanent ROW would not be allowed to return to the pre-construction forest type. It will be maintained in shrubby or herbaceous cover. The 25-foot construction ROW would be allowed to return to the pre-construction forest type. This could take more than 80 years.

S4-5 Bob Nellen, Park Manager for Brookhaven State Park, attended a site visit to the area with FERC representatives. During this site visit, FERC representatives indicated that there would be enough room for the pipeline to be contained entirely within the existing LIPA ROW. Also, within the DEIS, an alternative was identified that would avoid this area completely by following another utility ROW located north of Route 25 A.

As was stated in the December 3, 2001 letter, thorough analyses of alternatives outside the park and within the existing LIPA ROW must be conducted. In addition, OPRHP is currently opposed to the creation of an additional area of ROW adjacent to an existing 150-foot ROW with out comprehensive evaluation (re: the Calverton Lateral). The agency requests that FERC conduct further and more detailed examinations of the alternative for the Calverton Lateral that runs north of 25 A. If the alternative route outside the park for the Calverton Lateral cannot be used, then FERC should require Islander East to construct the pipeline entirely within the LIPA ROW and avoid further intrusion into the park.

Again, we appreciate the opportunity to comment on the DEIS.

Sincerely,

Daniel S. Kane, Director
Bureau of Resource Management
Office of Parks, Recreation and Historic Preservation

STATE 4

S4-3 Because of the overlap of the proposed right-of-way with the existing LIPA right-of-way, we believe that there would be room to construct a future park entrance. The amount of right-of-way width and overlap have been revised; see table 2.2-1.

S4-4 Thank you for your comment. We have modified the FEIS to include this information. The construction right-of-way is now proposed by Islander East to be 60 feet wide, and the permanent right-of-way would be 45 feet wide through this area. The proposed right-of-way would be located entirely within the LIPA powerline right-of-way.

S4-5 See response to comment 4.

STATE

5

STATE OF CONNECTICUT

DEPARTMENT OF AGRICULTURE

Bureau of Aquaculture and Laboratory

May 28, 2002

CONNECTICUT COUNCIL

FILED OFFICE OF THE SECRETARY 2002 JUN 10 AM 11:35 FEDERAL ENERGY REGULATORY COMMISSION

Cori M. Rose
U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

CP01-384 385 386 387

RE: Public Notice, File Number: 200103091, Algonquin Gas Transmission Company and Islander East Pipeline Company, LLC.

Dear Ms. Rose:

Pursuant to Connecticut General Statutes Sections 22-11d, 26-192 and 192a; staff of the Bureau of Aquaculture has reviewed the above captioned public notice concerning the proposed construction of a 24" diameter natural gas pipeline by Algonquin Gas Transmission and Islander East Pipeline Companies. We have also reviewed the draft environmental impact statement generated by the Federal Energy Regulatory Commission (FERC/EIS-0143D) and application materials submitted to the Connecticut Siting Council and the Connecticut Department of Environmental Protection concerning this project.

S5-1 We have determined that the siting and the construction methods for the marine phase of the project, will likely cause significant damage and harm to shellfish resources and shellfish habitat. Shellfish aquaculture, commercial and recreational shellfish harvest operations, are likely to be impacted as well. This determination is based on the review of the information provided in the above referenced documents, consultations, as well as staff field experience with a similar project. We therefore recommend that the marine portion of the current application be denied.

Siting Concerns.

The proposed pipeline route is sited in a well known shellfish concentration area that provides habitat for populations of eastern oysters (Crassostrea virginica), hard clams (Mercenaria mercenaria), soft clams (Mya arenaria) blue mussels (Mytilus edulis) and channel whelk (Busycon canaliculatum). Extensive privately owned shellfish grants, leased shellfish grounds, and public shellfish lands are present. Commercial shellfish aquaculture, transplant and harvest operations occur year round in the area of the proposal. All Branford waters and the offshore areas under the jurisdiction of the Connecticut Department of Agriculture have been classified as Shellfish Growing Areas in accordance with the National Shellfish Sanitation Program and meet the requirements of the U.S. Food and Drug Administration.

020614015 4·2

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S5-1 Islander East is working closely with potentially affected shellfish lease bed lease holders and consulting with state and Federal agencies to minimize impacts to shellfish lease beds. Islander East proposes to use the subsea plow trenching method to install the pipeline through the shellfish lease beds where the water depth is > 20 feet. The subsea plow is the least destructive of the trenching methods. Additionally, Islander East proposes to perform the construction during winter months to avoid impacting shellfish spawning.

File Number: 200103091, U.S. ACOE
Page 2

The submerged land through the proposed route that is not currently leased, is a productive marine habitat and is a significant area for future expansion of the shellfish industry.

Construction Methods.

For the marine phase of the project the applicant has proposed to use a combination of construction methods for pipeline installation including horizontal directional drill, mechanical dredge, sub-sea plow or jet sled and possible blasting.

S5-2 The horizontal directional drill has the potential for frac-out and loss of drilling muds with associated contaminants into the environment causing harm and damage to the shellfish beds and other organisms. Problems frequently occur with the use of this method of construction as experienced on projects in the Housatonic River wetlands, Thames River and most recently in New Haven Harbor (Cross Sound Cable Project). The applicant has indicated a significant amount of drilling mud will be released at the proposed exit pit in the sea floor.

S5-3 The use of mechanical dredge(s) to create the exit pit and open cut trench in the sea floor will likely cause significant environmental impacts and irreparable damage/alteration of habitat. These alterations of the sea floor profile may render the impacted area unsuitable for commercial fishing and shell fishing. The resultant topographic irregularities may adversely affect the efficiency and safety of the operation and handling of harvesting equipment currently employed by the local seafood industry. The mechanical dredging, handling of spoils, in water storage of spoils and backfilling activities will cause impacts to shellfish resources and habitat due to suspended sediment and sediment transport. Additionally there is a concern regarding the multitude of "scars" and benthic irregularities that will be left in the sea floor caused by numerous sets of anchors and cable sweeps to maintain vessel and barge positions. Suspended sediment and scouring due to prop wash from tugs maintaining position and moving barges is significantly more disruptive than that of the normal boating and harvesting activity that takes place in the near shore area in an around the shellfish beds.

S5-4 The use of a plow or jet sled for pipe burial through a sea floor corridor of approximately 23 miles, will result in impacts due to suspended sediment, alteration and/or destabilization of the sea floor, and damage or death to marine life.

S5-5 An additional concern regarding this project and other proposed submarine utility projects, is the potential cumulative impacts to Long Island Sound's habitat, water quality and fisheries. We recommend that whenever possible, the siting and construction of utilities in the estuarine environment be avoided. In review of pending applications and proposed projects, cumulative impacts need to be considered. Alternatives and options regarding energy sources, siting and construction methods should be fully assessed on a regional basis by the regulatory community.

STATE 5

S5-2 The feasibility of an HDD pipeline installation is largely dependent upon subsurface conditions. Islander East would conduct a site-specific geotechnical investigation at the crossing location to define the geological characteristics and engineering properties of the subsurface material. This would include performing exploratory borings at multiple locations along the proposed drill alignment. Soil and rock samples obtained from these borings would be taken to a laboratory and tested for various properties such as strength and hardness. This information would be utilized to optimize the design of the HDD crossing and to minimize exposure to subsurface conditions that are not conducive to HDD. During the HDD, Islander East would implement their monitoring and operations program (appendix N of the FEIS) to detect and minimize any unexpected release of drilling muds.

S5-3 Section 3.4.1.2 of the FEIS has been revised to include an analysis of potential long-term impacts to shellfish habitat resulting from pipeline construction activities.

S5-4 Section 3.4.1.2 of the FEIS has been revised to include an analysis of potential long-term impacts to the benthic marine habitat and marine life resulting from pipeline construction activities.

S5-5 Cumulative impacts to Long Island Sound are discussed in section 3.13 of the FEIS. Alternatives, including alternative sources, are discussed in section 4 of the FEIS.

S5-1 In summary, we believe that the proposed project for the reasons stated above, will have significant short and long term impact to the marine environment, particularly to the shellfish habitat and shellfish resources within the near shore area.

Thank you for the opportunity to comment. Please contact me if you need any additional information.

Sincerely,

John H. Volk
Director

cc: CT Siting Council
CT Department of Environmental Protection
CT Seafood Council
U.S. Dept. of Commerce, NOAA, NMFS
Federal Energy Regulatory Commission
State Office of the Attorney General
Town of Branford Shellfish Commission

STATE 6

RICHARD BLUMENTHAL
ATTORNEY GENERAL

ORIGINAL

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Hartford, CT 06141-0120

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Office of The Attorney General
State of Connecticut

May 17, 2002

FILED
OFFICE OF THE SECRETARY
02 MAY 20 PM 2:26
FEDERAL ENERGY
REGULATORY COMMISSION

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

RE: Reference Docket Nos. CP01-384-000 and CP01-387-000

Dear Secretary Salas:

Enclosed, please find an original and two copies of the Comments of the Attorney General of Connecticut on the Draft Environmental Impact Statement for the Islander East Gas Pipeline Project, Docket Nos. CP01-384-000 through CP01-387-000.

Very truly yours,

Robert D. Snook
Assistant Attorney General

RDS/na

Enclosures

020522-0144-2

FERC DOCKETED

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02 MAY 20 PM 2:26
FEDERAL ENERGY
REGULATORY COMMISSION

UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

Islander East Pipeline Company	**Docket No. CP01-384-000**
	Docket No. CP01-385-000
	Docket No. CP01-386-000
May 17, 2002	**Docket No. CP01-387-000**

COMMENTS OF THE ATTORNEY GENERAL OF CONNECTICUT REGARDING DRAFT ENVIRONMENTAL IMPACT STATEMENT

The Connecticut Attorney General, an intervenor in these proceedings, submits these comments to the draft environmental impact statement ("DEIS") dated March, 2002 for the Islander East Pipeline Project, Docket Nos. CP01-384-000 and CP01-387-000.

BACKGROUND

1. On June 15, 2001, Islander East Pipeline Company, LLC ("Islander East") filed an application with the FERC under Section 7 of the Natural Gas Act ("NGA") (the "Application") for a certificate of public convenience and necessity to construct a new 50-mile-long gas transmission pipeline, of which approximately 22 miles will be constructed under the Long Island Sound and 10 miles on land in Connecticut.

2. On July 3, 2001, the FERC published a Notice of Intent To Prepare An Environmental Assessment For Proposed Islander East Pipeline Project And Request For Comments on Environmental Issues ("Notice of Intent"). As detailed in the Notice of Intent, the Environmental Assessment ("EA") was prepared by the FERC staff as required by the National Environmental Policy Act, 42 U.S.C. § 4321, et seq. ("NEPA").

STATE 6

3. On July 13, 2001 the Connecticut Attorney General filed a motion to intervene in the above-captioned proceeding in order to ensure that the interests of the State of Connecticut are protected. On July 13, 2001, the Attorney General also filed a Response to the Notice of Intent strongly advocating the preparation of a full environmental impact statement in this matter.

4. While the Islander East petition has been proceeding, a competitor, Iroquois Gas Transmission System, L.P. ("Iroquois") filed an application on December 14, 2001, (Docket No. CP52-000).

5. According to the materials filed with the Commission, the Iroquois project, like the Islander East proposal, will transfer natural gas from Connecticut to Long Island. Both projects will landfall at the same point in Long Island and, to all appearances, will serve the same market. The only appreciable difference seems to be that the Islander East project will start across the Sound from Branford, Connecticut and the Iroquois project will simply build a tap line off an existing underwater natural gas line near Milford, Connecticut.

6. The two applications raise common issues of fact, particularly with respect to environmental matters and issues of public need and convenience. The environmental impacts will be felt in the same ecosystem.

7. On March 22, 2002, the DEIS was released for public comment.

SUMMARY

S6-1 The DEIS, in its current form, lacks critical data necessary for a full and complete evaluation of the impacts of, and alternatives to, the proposed Islander East Pipeline Project. The

S6-2 onshore wetlands analysis is inadequate in that no final field delineation of affected wetlands has been performed and no comprehensive mitigation plan has been prepared. Similarly, the offshore impacts of the proposed gas pipeline lack baseline data identifying benthic and fin fish

S6-3 resources and areas of sediment contamination. Further, cumulative impacts from other, known

S6-4 gas and electric utility projects has not been included. Finally, an effective alternatives analysis

S6-5 cannot be initiated without extensive information on the proposed Iroquois pipeline project.

Without redressing the above deficiencies, the DEIS is not only incomplete, it is also

S6-1 legally insufficient under the requirements of NEPA.

GENERAL COMMENTS

I. Cumulative Impacts Analysis

The DEIS has been prepared pursuant to NEPA and therefore it must contain a

S6-4 full and comprehensive cumulative impacts analysis. In this regard, the decisional law is clear and unequivocal, as a recent federal appellate court has held:

> An environmental impact statement must analyze not only the direct impacts of a proposed action, but also the indirect and cumulative impacts of "past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." 40 C.F.R. § 1508.7; *see also* §§ 1508.8 . . . And 1508.25(a)(2), (c).

Colorado Environmental Coalition v. Dombeck 185 F.3d 1162, 1176 (10th Cir. 1999).

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S6-1 See response to comment 19 letter F3.

S6-2 See response to comment 6 letter F3.

S6-3 Section 3.4.1.2 and section 3.3 in the FEIS has been revised to include additional baseline information on benthic resources. Information on finfish resources are presented in section 3.4.1.1 and the Essential Fish Habitat Assessment. Information on site-specific sediment contamination is presented in section 3.3.3.1 and appendix H of the FEIS.

S6-4 Section 3.13 has been revised to include more information from other gas and electric utility transmission line projects.

S6-5 Thank you for your comment. Section 4.2 of the FEIS discusses system alternatives.

Potential cumulative impacts as a result of sediment disposition and pollutant transport are identified in Section 3.13 "Marine Resources" to the extent practicable.

As another federal court elaborated:

> The CEQ regulations require that so-called "connected" or "cumulative" actions be considered in a single EIS. 40 C.F.R. § 1508.25(a)(1), (a)(2) . . . . Cumulative actions are defined as "actions, which when viewed with other proposed actions have cumulatively significant impacts." 40 C.F.R. § 1508.25(a)(2). A cumulative environmental impact "results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency . . . or person undertakes such other actions." 40 C.F.R. § 1508.7. The regulatory definition includes impacts resulting from "individually minor but collectively significant actions taking place over a period of time." *Id.*

Churchill County v. Norton, 276 F.3d 1060, 1076 (9th Cir. 2001).

Several decades ago the United States Supreme Court indicated that NEPA requires a "comprehensive" EIS "in certain situations where several proposed actions are pending at the same time." Kleppe v. Sierra Club, 427 U.S. 390, 409 (1976). The Kleppe Court added that "when several proposals . . . that will have cumulative or synergistic environmental impact upon a region are pending concurrently before an agency, their environmental impacts must be considered together" because "[o]nly through comprehensive consideration of pending proposals can the agency evaluate different courses of action." Id. at 410.

There are very good reasons for requiring a truly comprehensive impacts analysis.

> As was recognized by Congress at the time of passage of NEPA, a good deal of our present air and water pollution has resulted from the accumulation of small amounts of pollutants added to the air and water by a great number of individual, unrelated sources. . . . NEPA was, in large measure, an attempt by Congress to instill in the environmental decision making process a more comprehensive

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> approach so that long term and cumulative effects of small and unrelated decisions could be recognized, evaluated and either avoided, mitigated, or accepted as the price to be paid. . . .

Natural Resources Defense Council v. Callaway, 524 F.2d 79, 88 (2nd Cir. 1975).

S6-4 The DEIS does not include a full cumulative impacts analysis. Section 3 of the DEIS includes an environmental analysis which, while helpful, is incomplete. For example, there is no discussion of the impact to the natural resources of the Long Island Sound of the cumulative effects of sediment dispersion and pollutant release caused by this project together with the Iroquois pipeline project, the Cross Sound Cable Company project, and the one or more planned

S6-5 Northeast Utilities cable projects. Each of these projects is anticipated to cross the Sound and involve either jet trenching, dredging or mechanical plowing of underwater sediments. As the DEIS notes, as much as 500,000 cubic yards of sediment will be displaced by the Islander East project alone. If each of the planned projects referred to above proceeds, several million cubic yards of sediment will be displaced in the narrow confines of the Sound. No effort has been

S6-6 made to analyze the effect on shellfish and fin fish resources of impacts of this magnitude.

In addition, as the DEIS indicates, the sediments under the Sound have been impacted by toxic metals and other contaminants (including PCBs and breakdown products of DDT) for many

S6-7 years. Based upon the data available, it appears that no attempt has been made to quantify the amount of pollutants that will be released by this, and the other known projects, into the Sound.

S6-5 Further, as noted in the various federal cases cited above, a cumulative impacts analysis must include the impacts to the natural resource in question that either already exist or are

S6-6 Thank you for your comment. Section 3.13 has been revised.

S6-7 Sections 3.3.3.2 and 3.4.1.2 of the FEIS have been updated with information from the sediment dispersion modeling, including information on release of contaminated sediments.

Thank you for your comment. Section 3.4.1.2 of the FEIS has been revised to include the potential of long-term impacts to the seafloor as a result of pipeline construction.

S6-5 reasonably foreseeable. Of course, the Cross Sound project is already in construction. The other projects cited above are all in various stages of planning and therefore are certainly foreseeable.

S6-6 In addition, however, there are numerous other dredging projects associated with port facilities along the Sound that are being planned and a review of the DEIS indicates that no data was included concerning the sediment/contaminant dispersal issues related to these additional projects. In this regard, it is helpful to note that, in the Callaway case cited above, a federal court required the United States Navy to include in its EIS a full discussion of all the planned dredging projects in the Sound.

S6-7 Finally, studies of two specific concerns should be prepared. The first relates to the 1991 Iroquois project. There is evidence that the 1991 project produced a dredged trench and anchor scars that are still visible on the seafloor and that have acted as barriers to commercial shellfishing. A study of the effects of this project, which employed methodologies similar to those planned for the Islander East project, would be invaluable in examining the potential

S6-8 impacts of the proposed pipeline. In addition, the DEIS indicates that several thousand barrels of bentonite drilling mud will be released by the Islander East project. To date, no analysis of the effects of bentonite mud on shellfish is included in the DEIS.

II. Baseline Data.

S6-9 The DEIS is also deficient in that it lacks the necessary baseline environmental data from which to determine likely project impacts. It is self-evident that an analysis of a project of this magnitude can only properly be based upon an accurate understanding of the natural resources

S6-8 Since issuance of the DEIS, Islander East has submitted a Directional Drilling Monitoring and Operations Program Plan that describes measures it will undertake to monitor for, and contain and remediate, planned and unplanned releases of drilling mud to the Long Island Sound. We have reviewed this plan and believe that its implementation would adequately minimize environmental impacts from releases of drilling mud. Section 3.3.3.2 of the FEIS has been updated to reflect this. Section 3.4.1.2 of the FEIS has been revised to address the potential impacts from bentonite drilling mud on shellfish.

S6-9 The NEPA process, including the period for public comment, must by statutory mandate be completed prior to making decisions with respect to whether or not to take a proposed action. It is typical for additional information and requirements to be completed as a part of the individual permitting processes that follow reviews under NEPA. Stipulating needs for additional information is a commonly-employed mechanism under NEPA to support continued protection of the environment.

being affected. For terrestrial resources, such as wetlands or forests, there are often sufficient data sources to be able to construct a useful understanding of the nature of the resources being affected. Often an EIS will necessitate further detailed studies, such as field reviews of endangered species, etc., to build upon the existing data base.

S6-9 The DEIS does not include a complete and accurate baseline data set from which to evaluate the predicted impacts. The location of anoxic zones, previously impacted seafloor

S6-10 areas, areas of known contamination, etc., are all lacking. Further, the data collected by the Applicant in the area of the Thimble Islands is woefully deficient. No accurate or effective determination of shellfish resources, for example, is included. Without a full baseline, any attempt to prepare an adequate EIS will be impossible.

III. Alternatives

S6-11 Similarly, an EIS is required to contain a full review of project alternatives. In the DEIS, there is a discussion (Section 4) dealing with alternatives that, while valuable, does not go far enough. Specifically, Section 4.2 - System Alternatives purports to consider alternative routing possibilities but appears to be severely limited in scope. There is a reference to a One-Pipe alternative and the ELI (Iroquois) alternative. Unfortunately, the description of these two alternatives is structured in a manner that precludes meaningful comparisons.

S6-12 For example, the ELI discussion appears to assume that there will be many additional miles of looping required, an assumption that is without support and is likely not correct based upon statements in the Iroquois application and supporting documents. Similarly, the One-Pipe

S6-10 Site-specific sediment contamination data is included in section 3.3.3.1 and appendix H of the DEIS. In addition, in section 3.3.3.1 of the DEIS we recommended that Islander East file the site-specific contaminated sediment studies with the appropriate Federal and state agencies to determine if additional investigation is necessary.

Section 3.4.1.2 of the FEIS has been revised to include additional information on the nearshore benthic biological community.

S6-11 See responses to comment 5.

S6-12 The looping was determined by staff engineers based on the volume of gas described in the assumptions presented in section 4.2 of the EIS. Looping is not proposed by either the Islander East project or ELI Extension project. See responses to letter G68.

S6-12 alternative also seems to include assumptions regarding looping that are without support. The result of these inaccurate assumptions is that the environmental impacts of the One-Pipe and ELI alternatives are artificially exaggerated, thus skewing the comparison of these alternatives with the Islander East project.

As noted above, NEPA is designed to prevent balkanizing of environmental decisionmaking by requiring federal agencies to look at the totality of the potential impacts to the affected natural resource. Long Island Sound is a single, integrated ecosystem. Furthermore, it is an ecosystem that has suffered from years of contamination and over-development that have significantly affected its shellfish and fin fish populations. At the present time, numerous private companies are seeking to construct utility lines across the Sound. If the goals of NEPA are to be
S6-13 met, it is only logical and reasonable for the FERC to require the several companies seeking permission to use public trust land for private profit to provide: 1) a full and complete baseline data set of natural resources in the Sound; and 2) an evaluation of project need.

Once a realistic and thorough analysis of project need is established, if such a need exists, then an analysis of the likely impacts from all of the planned utility projects can be prepared. This, in turn, will enable the FERC to balance the real effects of these projects against the perceived need and select from among the various planned projects the one that has the minimum impact to natural resources. Correctly done, this will "instill in the environmental decisionmaking process a more comprehensive approach so that long term and cumulative effects of small and unrelated decisions could be recognized, evaluated and either avoided,

S6-13 The Commission will consider the need and potential environmental impacts of both the Iroquois and Islander East projects.

S6-13 mitigated, or accepted as the price to be paid. . . ." Natural Resources Defense Council v. Callaway, 524 F.2d 79, 88 (2nd Cir. 1975).

IV. On-Shore Impacts: Wetlands Delineation.

S6-14 Finally, from a review of the DEIS it is clear that the wetlands impacts from the limited number of alternatives proposed are approximate only. No final field delineation has been performed and thus there can be no accurate understanding of what the effects of the projects will be on the wetlands environment. In addition to field mapping, a full mitigation plan must be prepared before any effective analysis of impacts can be completed.

CONCLUSION

In sum, as the Kleppe Court said, "when several proposals . . . that will have cumulative or synergistic environmental impact upon a region are pending concurrently before an agency, their environmental impacts must be considered together" because "[o]nly through comprehensive consideration of pending proposals can the agency evaluate different courses of action." Id. at 410. The DEIS, while containing important and helpful information, lacks a full and complete database of the impacts from all the known, planned projects and, without this, the comprehensive consideration of impacts and alternatives mandated by NEPA cannot be done.

At a minimum, the final EIS should include:

1. An analysis of impacts from the various Long Island Sound dredging projects.
2. A study of the effects of the 1991 Iroquois pipeline project and associated dredging operations in order to determine the long-term impact to the seafloor of pipeline construction.

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S6-14 The approximate number of wetlands along an alternative is only one of several issues that are considered during the review of alternatives. If an alternative is preferred over the proposed route, a field delineation of wetlands along the alternative would be performed prior to any construction activities.

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

3. An analysis of bentonite drilling mud effects associated with the anticipated releases from the horizontal directional drilling.
4. A calculation of the amounts of sediment (and especially contaminated sediment) that will be dispersed from the Cross Sound Cable Company project, the Islander East project and Iroquois projects.
5. A full and final wetlands field delineation for each of the proposed alternatives needs to be done and associated mitigation wetlands designated.
6. Once the above are prepared, and a full understanding of the cumulative effects of all relevant project is available, then the necessary information will be in place to compare the impacts to natural resources from the various alternatives and select that alternative, if any, that has the least impact on the vital natural resources of the Sound.

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June 6, 2002

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FEDERAL ENERGY
REGULATORY COMMISSION

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

RE: Islander East Pipeline Company, LLC, Docket No. CP01-384-000
Algonquin Gas Transmission Company, Docket No. CP01-387-000

Dear Ms. Salas:

Enclosed for filing in the above-referenced dockets are an original and two (2) copies of the Supplemental Comments of the Attorney General of Connecticut on Draft Environmental Impact Statement in the above-referenced proceedings. One copy of the Comments is labeled for the attention of Gas Branch 2, PJ11.2.

Also enclosed ~~are~~ is one two extra copies; please date/time stamp the same and mail in the enclosed envelope. Thank you for your cooperation regarding this matter.

Very truly yours,

Robert D. Snook
Assistant Attorney General

RDS/na

Enclosures

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UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

Islander East Pipeline Company	Docket No. CP01-384-000 Docket No. CP01-385-000 Docket No. CP01-386-000
June 6, 2002	Docket No. CP01-387-000

SUPPLEMENTAL COMMENTS OF THE ATTORNEY GENERAL OF CONNECTICUT REGARDING DRAFT ENVIRONMENTAL IMPACT STATEMENT

The Connecticut Attorney General, an intervenor in these proceedings, submits these supplemental comments to the draft environmental impact statement ("DEIS") dated March, 2002 for the Islander East Pipeline Project, Docket Nos. CP01-384-000 and CP01-387-000.

BACKGROUND

1. On June 15, 2001, Islander East Pipeline Company, LLC ("Islander East") filed an application with the FERC under Section 7 of the Natural Gas Act ("NGA") (the "Application") for a certificate of public convenience and necessity to construct a new 50-mile-long gas transmission pipeline, of which approximately 22 miles will be constructed under the Long Island Sound and 10 miles on land in Connecticut.

2. On July 3, 2001, the FERC published a Notice of Intent To Prepare An Environmental Assessment For Proposed Islander East Pipeline Project And Request For Comments on Environmental Issues ("Notice of Intent"). As detailed in the Notice of Intent, the Environmental Assessment ("EA") was prepared by the FERC staff as required by the National Environmental Policy Act, 42 U.S.C. § 4321, et seq. ("NEPA").

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3. On July 13, 2001 the Connecticut Attorney General filed a motion to intervene in the above-captioned proceeding in order to ensure that the interests of the State of Connecticut are protected. On July 13, 2001, the Attorney General also filed a Response to the Notice of Intent strongly advocating the preparation of a full environmental impact statement in this matter.

4. On March 22, 2002, the DEIS was released for public comment.

5. On May 17, 2002 the Attorney General filed comments on the DEIS.

6. On May 31, 2001, the Attorney General received a copy of a letter, dated May 28, 2002, from the Connecticut Department of Agriculture ("DOAG") to the United States Army Corps of Engineers ("ACOE" or "Corps"), which letter is attached as Exhibit A.

SUMMARY

S7-1 As noted in the Attorney General's comments dated May 17, 2002, the DEIS, in its current form, lacks critical data necessary for a full and complete evaluation of the impacts of,

S7-2 and alternatives to, the proposed Islander East Pipeline Project. The onshore wetlands analysis is inadequate in that no final field delineation of affected wetlands has been performed and no

S7-3 comprehensive mitigation plan has been prepared. Similarly, the offshore impacts of the proposed gas pipeline lack baseline data identifying benthic and fin fish resources and areas of

S7-4 sediment contamination. Further, cumulative impacts from other, known gas and electric utility projects has not been included and an important first step in understanding these cumulative impacts would be to study the impacts of past cable and pipeline installation projects and the

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S7-1 The FEIS has been revised to include additional information.

S7-2 The DEIS only provides a summary of the formal wetland delineation reports that were submitted to the FERC in September of 2001. These detailed wetland delineation reports, prepared for Connecticut and New York, provided information such as the hydrologic, soil, and vegetation conditions of each wetland. These reports were also submitted to the U.S. Army Corps of Engineers, New York and New England District as part of Islander East's Joint Permit Application Package on March 22, 2002.

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

As stated in section 3.7.2 of the DEIS, we believe that Islander East has minimized wetland impacts through the proposed route,

S7-4 S7-5 success, if any, of past restoration efforts. Finally, an effective alternatives analysis cannot be initiated without extensive information on the proposed Iroquois pipeline project.

While the Federal Energy Regulatory Commission ("FERC") has been reviewing the comments of the various parties new information directly relevant to this matter has been brought to the attention of the Attorney General. Specifically, as noted above, the DOAG has sent a letter to the Corps recommending "that the marine portion of the current application be denied." The letter goes on to detail precisely the concerns to natural resources that the Attorney General has repeatedly urged the FERC to consider, in particular, impacts to shellfish beds, potential damage from the release of drilling muds, and impacts from anchor scars and sedimentation.

S7-6 Because of the unique and delicate nature of the Long Island Sound ecological systems in this case, and because of the concerns raised initially by this Office and now strongly supported by the independent review of the DOAG, I urge the FERC to deny the Islander East application. .

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STATE 7

the use of its ESC Plan and other proposed impact mitigation measures that would avoid or minimize potential impacts on wetlands.

S7-3 Section 3.4.1.1 of the FEIS has been updated to include baseline data on benthic resources. The Essential Fish Habitat Assessment (appendix I) contains descriptions of federally managed species that could occur in the project area, and section 3.3.3.1 contains information about contaminated sediments along the proposed pipeline route.

S7-4 Cumulative impacts are discussed in section 3.13 of the FEIS.

S7-5 Thank you for your comment. Section 4.2 of the FEIS discusses system alternatives. A separate DEIS is being prepared for the ELI Extension Project.

S7-6 Thank you for your comment.

The remainder of the comment is a copy of the May 28, 2002 submission by State of Connecticut, Department of Agriculture, Bureau of Aquaculture and Laboratory, comment S5, in this Comment Response Document. See responses to comment letter S5.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Islander East Pipeline Company	Docket No. CP01-384-000 Docket No. CP01-385-000 Docket No. CP01-386-000

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Hartford, Connecticut this 6th day of June, 2002.

Robert Snook
Assistant Attorney General
55 Elm Street
Hartford, CT 06106

STATE

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Attention: Gas Group 2, PJ-11.2

STATE

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May 15, 2002

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

Re: Islander East Pipeline Project Docket#s: CP01-384-000, CP01-387-000

The Central Pine Barrens Commission (CPBC) is in receipt of the Draft Environmental Impact Statement (DEIS) for the above referenced pipeline project and respectfully submits the following comments for consideration by the Federal Energy Regulatory Commission (FERC).

1. Central Pine Barrens Commission is not a regional land use board.(DEIS pg 3-103)

S8-1 Although the DEIS states the CPBC was created by NYS law(page 3-103), it fails to mention that the CPBC is a state agency. It is a misconception that the CPBC is a regional land use board. A copy of New York State Environmental Conservation Law Article 57 that created the CPBC as a *state agency* is available on the CPBC website (www.pb.state.ny.us). We request the DEIS be corrected accordingly. This perception has been fostered by Islander East and the CPBC considers this an indication of their disregard for our Commission. Therefore, it is questionable as to their true interest in working cooperatively with the CPBC. In numerous sections of the DEIS, FERC specifies that Islander East should continue to work cooperatively with the CPBC. To date, Islander East has had limited contact with the CPBC. The only true guarantee that there will be cooperation is to require Islander East to apply for the appropriate hardship permits from the CPBC. As stated in previous correspondence to FERC, it is not rational that Islander East is applying for other state permits and not for CPBC permits. Any cooperative efforts between the CPBC and Islander East will need to be made a requirement of their certificate from FERC and should be more specific in nature as indicated in the comments below.

S8-2 The CPBC still contends that any intrusion into the Core Preservation Area violates New York State law if the appropriate hardship permits are not obtained from the CPBC. It should also be noted that NYS ECL 57-0117.5 states "Land in the core preservation area which come in the public domain shall be deemed to be dedicated to the Long Island Pine Barrens Preserve" and NYS ECL 57-117.7 states " No publicly owned real property, dedicated to the Long Island Pine Barrens preserve, shall be alienated except by law enacted by two successive regular sessions of the legislature..." The proposed pipeline project ignores these statements by routing the pipeline unnecessarily through the Core Preservation Area, and thereby violating New York State law. The CPBC will not condone pipeline proposals that involve substantial removal of forested areas and

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S8-1 Thank you for your comment. The FEIS has been corrected.

S8-2 Thank you for your comment.

S8-2 alteration of ecological habitats in the Core Preservation Area, either temporarily during construction or long term due to maintenance ROW requirements. Such actions effectively damage a state recognized crucial area that overlies the largest source of pure groundwater in New York. NYS ECL 57 was modified in 1993 to ensure the protection of the ecological and hydrogeologic integrity of this area and the legislature found it to be in the best interest of the people of New York, to preserve the Core Preservation Area. New York taxpayers have paid over $300 million to protect this Core Preservation Area.

S8-3 Allowance of projects of this nature promotes a contradictory public policy that preserved open space and groundwater recharge areas should be permanently compromised by utilities in order to avoid temporary disruptions adjacent to populated areas. This effectively destroys the integrity of the forest edge and groundwater watershed as it is continually eroded with each successive utility project.

2. Project Alternatives and Construction Techniques

On page 1-1 of the DEIS, FERC states one of their Commission's goals in evaluating new pipeline construction is to avoid unnecessary disruptions of the environment.

S8-4 Therefore only alternatives that keep the pipeline out of the Core Preservation Area or use construction techniques that avoid the clearing of vegetation in the Core Preservation Area should be considered, along with construction techniques and alternatives that truly minimize clearing in the Compatible Growth Area.

S8-5 The fact that Islander East is proposing to substantially modify its project as stated in a letter dated March 25, 2002 to CPBC Counsel James Rigano from Joseph Reinemann(attached) makes it extremely difficult to properly evaluate a project that is in essence a moving target. It raises the question of the value of going through this exercise of commenting on the DEIS when not all potentially viable options are available at the same time to consider. The aforementioned letter contends significant reductions in clearing in the Core Preservation Area can be accomplished by using horizontal directional drill(HDD) methods through forested areas, however it does not address concerns with temporary work space requirements (size and location), the size of maintenance right of ways, how the pipeline would be replaced if there is a problem, exit and entry areas, where the pipe will be set up (pull back areas), what restoration would be required and how this would affect other pipelines such as Iroquois should they be collocated within the same route.

S8-6 We request that FERC fully evaluate the environmental impacts of the HDD option, proposed in the aforementioned letter, in the FEIS to enable all interested parties to evaluate the entire gamut of options. In addition, we request that FERC make a condition of their certification that Islander is required to provide the CPBC with alignment sheets and daily progress reports during construction. In addition, the HDD option should be evaluated by FERC for the alternative of placing the pipeline in the center median of William Floyd Parkway and/or the west side of William Floyd Parkway since these options would remove the pipeline from the Core Preservation Area.

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S8-3 Thank you for your comment.

S8-4 The changes in the proposed project to minimize tree clearing within the Core Preservation Area along the William Floyd Parkway have been incorporated into the FEIS in section 3.8.3.2.

S8-5 See response to comment 4. It is not unusual for linear projects to be modified as a result of input from the public during scoping and the DEIS comment period. Often commenters present reasonable alternative routes or procedures which we evaluate and recommend, if appropriate.

S8-6 We agree that Islander East's proposed HDDs would minimize impacts to the Central Pine Barrens. Use of the center median of the William Floyd Parkway or moving the pipeline to the west side of the Parkway is discussed in section 4.4.6.

We have modified our condition to reflect that the Central Pine Barrens Commission should receive alignment sheets and daily progress reports from Islander East for work in the Central Pine Barrens. This would be part of the final construction and

S8-7 The CPBC requests that if the project goes forward that only ONE pipeline be granted a certificate. There is no need for redundancy nor for the magnitude of impact to the environment that would occur from two pipelines installed adjacent to each other. The impact of adjacent pipelines to the Central Pine Barrens area would be significant in terms of the size of the remaining ROWS and respective clearing that would need to occur to allow two adjacent pipelines, not to mention the disruption to the environment that would occur should the construction of pipelines occur at different time periods. We already have this problem along the southern part of the Long Island Expressway from William Floyd Parkway west to the proposed Brookhaven Energy Plant since the KeySpan gas pipeline is already installed underground. This would not be in keeping with FERC's goal to avoid unnecessary disruptions of the environment.

S8-8 The FEIS needs to evaluate the impacts of this KeySpan line in relation to the project being proposed with consideration of both, the one or two pipeline option that will follow the same KeySpan line in this area to the proposed Brookhaven Energy Plant. FERC should evaluate whether it would be possible to upgrade the existing KeySpan line such as Algonquin is doing in Connecticut, instead of introducing a new pipeline into the area. This is a prime example of lack of proper planning and the need for a statewide energy plan. It highlights the lack of coordination that occurs between state and federal gas projects that results in unnecessary redundancy of utilities and significant impacts to the environment when the same area is torn up repeatedly for new utilities with successive clearing and encroachment into forested areas.

S8-9 Proposed Calverton Lateral and Calverton Lateral Route Alternative (Route 25A)
The CPBC does not agree with FERC's conclusion with regard to the Calverton Lateral and the alternative for this lateral that travels along existing ROWs, north of Route 25A. The Calverton Lateral Route Alternative(Route 25A) avoids the Central Pine Barrens Core Preservation Area completely and therefore *is* environmentally superior than the proposed route. The proposed Calverton lateral will result in the destruction and permanent loss of forest land in the Core Preservation Area and puts the overall integrity of the Core Preservation Area at risk of being eroded away with each encroachment from utilities.

The fact that there are twelve residences within 50 ft of the Calverton Lateral Route Alternative and that trees that provide screening will be removed, does not justify clearing significantly more areas in a state designated preservation area. The proposed Calverton Lateral currently will pass through two major subdivisions, Mays Farm(under development) and Spring Meadow(under Supplemental FEIS review), where significantly more than twelve homes are planned for development. The impact of the pipeline route on the Spring Meadow development project is not even discussed in FERC's DEIS. The CPBC requests that the Route 25A alternative be the final alternative for the Calverton Lateral. To mitigate impacts to residences in terms of clearing, the CPBC requests FERC to examine the possibility of using HDD in this area. FERC should require Islander East to develop a site specific construction plan for this area; and require the restoration of all lawns and landscaping after backfilling, fence the construction area, implement dust control measures during

mitigation plan that Islander East develops with the Central Pine Barrens Commission. See additional discussion in section 3.8.3.2 of the FEIS.

S8-7 Thank you for your comment.

S8-8 Section 4.2 has been revised to evaluate the KeySpan System Alternative.

S8-9 We have included updated information about the resources along the Calverton Lateral Route Alternative in section 4.3.7 of the FEIS.

S8-9 construction and restore tree screening with mature trees and vegetation as proposed for other project areas on page 5-6 of the DEIS and as discussed in general in Section 2.3.22 of the DEIS.

3. Erosion, Sediment Control Plan

S8-10 The CPBC requests that FERC require as a condition of Islander East's final certificate, that they create an Environmental Mitigation and Restoration Work Group with interested local and state agencies representatives (i.e., town planning departments, NYSDEC, NYSDOT, Central Pine Barrens Commission), and The Nature Conservancy to provide input prior to construction on methods that could be used to minimize damage to vegetation and on restoration plans to evaluate plant species used, and intended restoration methods.

S8-11 Straw bales should not be used for erosion control as they can introduce invasive species into the area.

S8-12 **4. Water Resources and Hydrostatic Testing**

It has been brought to the attention of CPBC staff that Islander East intends to use biocides in the water used for hydrostatic testing. This contradicts what was presented in the DEIS and exemplifies previous comments that this project continues to be a moving target. It is questionable, therefore, whether the information presented in the DEIS accurately represents the project. This makes it extremely difficult for commentors to effectively evaluate the potential impacts of this pipeline project or for that matter, know what the true impacts of the project will be.

The Central Pine Barrens area overlies a deep groundwater recharge area of relatively pure water. The use of chemicals in this area, especially the Core Preservation Area, should be prohibited by FERC in their certificate for Islander East. As stated previously in this correspondence, "NYS ECL 57 was modified in 1993 to ensure the protection of the ecological and *hydrogeologic integrity* of this area and whereby the legislature found it to be in the best interest of the people of New York, to preserve the Core Preservation Area. New York taxpayers have paid over $300 million to protect this Core Preservation Area".

S8-13 The FEIS should include material safety data sheets for any chemicals Islander East plans to use during this project, along with the evaluation of impacts to both surface and groundwater, and ecological impacts that may result from the use of these chemicals.

S8-14 The CPBC does not agree with the statement in Section 3.1.2 Cumulative Impacts - Water Quality "The geographic extent and duration of disturbances caused by construction of the Islander East Pipeline Project would be insignificant in magnitude compared to the cumulative degradation associated with present and foreseeable future land-use activities(e.g., commercial/industrial/residential/ development and agricultural activities)". This is not true in the Central Pine Barrens especially in the Core Preservation Area where development is prohibited unless it meets specific hardship criteria contained in NYS ECL Article 57. Even in the Compatible Growth

S8-10 The NEPA process has provided interested parties with opportunities to comment on the applicants' ESC Plan about minimizing impact on residences, about restoration and about mitigation. We have recommended changes to the ESC Plan and the SPCC Plan, to the proposed route, to construction methods and timing, and to restoration of the right-of-way based on filed comments and our experience with pipeline construction. For some areas, like the Central Pine Barrens, Islander East is developing a site-specific plan for construction in consultation with the Central Pine Barrens Commission. Also, land owners and land managers may develop restoration plans during easement negotiations.

S8-11 Islander East would use silt fences to the maximum extent possible, and will generally avoid the use of hay bales. If hay or straw bales are used, they would be inspected for weed infestation.

S8-12 See response to comment 17 in letter G61 that addresses biocides. Islander East would abide by the reasonably applicable requirements for constructing within watershed, aquifer, or wellhead protection areas. This could be a requirement in any permit the Central Pine Barrens Commission issues for this project.

S8-14 Area, there are specific standards and guidelines for development to minimize further degradation in this area that serves as a buffer to the Core.

S8-15 The FEIS needs to identify specifically what water sources will be used for hydrostatic testing and specifically where this water will be discharged. Has Islander East discussed the availability of water from the Suffolk County Water Authority(SCWA) for hydrostatic testing and discussed the volume they anticipate to use? Have they entered into any agreement with the Suffolk County Water Authority for the use of this water? Table 3.4.2-3 should identify Suffolk County wells as Suffolk County Water Authority wells. The Suffolk County Water Authority is a not for profit public benefit corporation and not a county agency. The DEIS states that 1.4 million gallons of water for the main pipeline and 660,000 gal of water for the Calverton lateral will be used for hydrostatic testing. How can the DEIS state there will be no impact to surface waters or nearby upland areas if it is not known where the water will be discharged?

S8-16 Has Islander East discussed with the Suffolk County Water Authority where the pipeline will be near or possibly collocated with water utility lines? FERC should require Islander East to contact the SCWA for distribution system information to ensure there is no problem with pipeline installation. Pipelines placed near water utility lines must be placed in a manner that enables SCWA to retain access to their lines for maintenance and repair. The DEIS mentions that an 18 inch separation between utilities will be provided and where there is not enough space, a concrete barrier will be installed. Will this affect any SCWA pipelines and has this been discussed with SCWA?

S8-17 The FEIS should discuss potential impacts of HDD on groundwater flow. In addition, the FEIS should discuss the impact on nearby public wellfields and private wells from construction in shallow aquifer areas on water quality and well productivity. If dewatering is required, what impact will this have on users of shallow aquifer areas? The FEIS must identify private wells located near the pipeline route which was not contained in the DEIS, in order to realistically evaluate potential impacts.

5. Wetlands

S8-18 The FEIS should evaluate the use of HDD and other construction alternatives in wetland areas to determine the construction method which will have the least amount of environmental impact on these areas.

6. Carmans River

S8-19 For the HDD near the Carmans River, what water source will be used for directional drilling and where will it be obtained? Pullback areas, size of area, entry and exit locations need to be identified along with the location of temporary storage areas for mud and cuttings. What will be the size of the work area for the Carmans River HDD?

It should be noted that the CPBC is under the impression that the NYSDEC will not

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S8-13 Thank you for your comment. We believe that potential impacts to both surface water and groundwater quality are adequately addressed in the EIS. The SPCC Plan should prevent spills of contaminants due to its storage and containment requirements.

S8-14 The statement you cite applies project-wide.

S8-15 Section 3.3.2.2 of the FEIS has been updated with additional information on hydrostatic test water discharge locations. There is no table 3.4.2-3 in the DEIS.

S8-16 Islander East has been consulting with the Suffolk County Regional Water Authority to determine the location of the water lines and ensure the continued operation of the lines.

S8-17 Potential impacts from HDD on groundwater flow, and impacts and trench dewatering to shallow groundwater resources including public well fields and private water wells are discussed in section 3.3.1.2 of the EIS. Section 3.3.1.1 of the FEIS has been updated with information on the location of private wells.

S8-18 In New York, Islander East will avoid direct impacts to wetlands through the use of HDD methods.

S8-19 The FEIS has been updated concerning site-specific HDD plans, including a requirement that water for HDDs be trucked-in.

S8-14 support the use of the dry flume method to cross the Carmans River should the HDD method fail and therefore this alternative should not be considered.

S8-20 **7. Development Projects**
As previously mentioned, the DEIS does not discuss Spring Meadows, a residential development project, that will be traversed by the pipeline nor does it mention the major regional shopping mall proposed on the west side of William Floyd Parkway, just north of the Long Island Expressway. The FEIS needs to address the impacts of
S8-21 the pipeline project on these two projects. In particular, the FEIS should address safety and evacuation procedures for the regional mall should an emergency situation arise related to the pipeline. In the DEIS for the Brookhaven Town Center project, there was a comment that the local fire department will need special ladder equipment to fight a fire at this facility due to the height. Has the owner of the subject property who also owns the adjacent racetrack property, entered into
S8-22 negotiations with Islander East concerning access through their property for the pipeline? Will gas be provided to the mall from the Islander East pipeline? It is noted in the DEIS that there will be a mainline valve at Milepost 42, what is the purpose of this valve at this location?

8. Fire Climax Community
The vegetation in the Central Pine Barrens is considered to be a fire climax
S8-23 community dependent on fire for regeneration. In 1995, the Central Pine Barrens area experienced intense wildfires in the Rocky Point and Sunrise Highway areas that burned over 3,000 acres. Islander East should therefore be required to be familiar with local and state emergency procedures that cover this area. Islander East should be aware that the Central Pine Barrens Commission has a Wildfire Task Force that has 41 members from state, county and local fire service agencies/departments. Each member has jurisdiction over fire in some manner in the Central Pine Barrens. This group should be included in Islander East's efforts for emergency planning for the Central Pine Barrens area.

9. Miscellaneous Comments
S8-24 Table 2.2-1 in the DEIS shows construction ROW overlap and permanent ROW overlap for sections of the William Floyd Parkway as "to be determined" or "not available". It is questionable how impacts to vegetation can be properly evaluated without this information.

S8-25 On pg 3-89 of the DEIS a commentor was concerned they would not be allowed to farm on the permanent ROW. FERC should clarify their statement that farming would be allowed on the ROW but not within the 10 ft center pipeline as stated on pg 3-38 of the DEIS under agricultural land.

S8-26 Pg 3-104 of the DEIS, for MP 40.4 and 41.3, where it mentions the pipeline leaves the road for approximately 100 feet into the forested area. The HDD construction method should be evaluated for this section to avoid creating a new road within the forest that leads to fragmentation of habitat and creates new roads for illegal ATV use.

S8-27 The DEIS states on page 3-105 that no description of Islander East's crossing plan for the Central Pine Barrens has been provided to FERC. We request that FERC

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S8-20 Section 3.8.2.1 has been updated to include the Spring Meadow subdivision and the shopping center.

S8-21 The USDOT administers the requirements for pipeline safety under Title 49, CFR Part 192. Pursuant to these requirements, the applicants must work with local authorities to coordinate emergency response. See section 3.12 of the FEIS.

S8-22 Islander East would have to seek approval to add a delivery tap for the mall. Regardless, the proposed location for the mainline value has been moved from MP 42.0 to MP 37.6 and is no longer near the mall.

S8-23 Under DOT regulations (discussed in section 3.13 of the FEIS), Islander East would be required to consult with all applicable groups concerning emergency planning, including fines.

S8-24 Table 2.2-1 has been updated. Thank you for your comment.

S8-25 Neither page 3-38 nor page 3-89 of the DEIS states that farming would not be allowed within the 10-foot-wide area centered over the pipeline. As stated on page 3-89 of the DEIS, once construction is completed, farming would be allowed on the right-of-way. Page 3-84 of the DEIS states that a 10-foot-wide strip would be free of trees in tree farms or orchards. This 10-foot strip applies to tree production due to the deeper root penetration of trees. Any non-woody crop is permissible over the full width of the right-of-way.

require Islander East to provide the Central Pine Barrens Commission with a copy of this plan as a condition of their certificate.

S8-28 The DEIS did not identify recreational trails in the area that will be crossed by the pipeline and potential impacts to recreational users of these trails in terms of access and visual impacts. The CPBC requests this be analyzed in the FEIS.

10. Closing

We appreciate this opportunity to comment on the DEIS for Islander East Pipeline. If you have any questions on these comments, please don't hesitate to give me a call at 631- 563-0306. Copies will be mailed to the required service list.

Sincerely,

Judith Jakobsen
Environmental Analyst

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S8-26 Islander East has proposed a route variation from MP 40.4 to 41.0 that would move the pipeline to within 25 feet of the edge of the highway. This would minimize impacts from forest fragmentation. See section 4.4.

S8-27 Islander East has filed its draft *Construction, Restoration and Invasive Species Control Plan for the Central Pipe Barrens Region* with both FERC and the Central Pine Barrens Joint Planning and Policy Commission. Islander East would be conditioned to file the final plan with both agencies prior to construction.

S8-28 Section 3.8.3.2 of the FEIS has been updated to address your concern.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding

Dated at: _____ this ____ day of _____, 2002
(time)

Name: _____

Address: Central Pine Barrens Commission
3525 Sunrise Hwy, 2nd Floor, PO Box 385
Great River, NY 11739-0385
631-224-2604

Signature: _____

Sworn to before me this ____ day of _____, 2002

_____

Notary Public

Islander East Pipeline Company, L.L.C.
454 East Main Street Branford, CT 06405
(203) 488-1800 *phone* • (800) 516-9997 *toll-free* • (203) 488-1490 *fax*

Islander East Pipeline Company

RECEIVED
MAR 29 2002
CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION

March 25, 2002

James P. Rigano, Esq., Counsel
Central Pine Barrens Joint Policy and Planning Commission
McMillan, Rather, Bennett & Rigano, P.C.
48 South Service Road
Melville, New York 11747

RE: Islander East Pipeline Company, L.L.C.
Measures to minimize impacts to Pine Barrens

Dear Mr. Rigano:

We write to bring you up to date on the status of the Islander East Pipeline Project, and specifically about the concerns that have been raised by the Commission in the past as it refers to proposed impacts to the Pine Barrens. Islander East has continued to work with stakeholders and agencies to attempt to modify construction methods and the alignment of the proposed pipeline along the William Floyd Parkway with the purpose of minimizing impacts to Core Pine Barrens Areas crossed by the proposed pipeline route.

Islander East is pleased to announce after close examination of the proposed pipeline alignment, it has identified modifications to the proposed route and construction methods which significantly decrease Pine Barrens impacts resulting from Construction. The modifications include the addition of three horizontal directional drills ("HDD's") and route realignment, which will facilitate reduction in the amount of forested acres cleared within the proposed construction corridor in the vicinity of the William Floyd Parkway. The use of HDDs to this extent to minimize tree clearing is unprecedented, but Islander East feels are warranted due to the sensitivity and level of concern for the Pine Barrens.

Enclosed is a table summarizing and comparing forested acres cleared within the construction footprint in Core Preservation Areas and Compatible Growth Areas utilizing the originally proposed and modified construction techniques. These modifications decrease the amount of forested acres impacted in Core Preservation Areas by 80%. Impacts to Compatible Growth areas are reduced by 26%.

Islander East will be filing the proposed route modifications with the Federal Energy Regulatory Commission ("FERC") and identifying them as the preferred construction methods for the Long Island portion of the project. Islander East will subsequently be considering similar issues along the Calverton Lateral.

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If you or the Commission have any comments or questions, please do not hesitate to contact me at 1-800-516-9997.

Sincerely,

Joseph C Reinemann
Environmental Project Manager

cc: Judy Jakobson

Enclosure

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Islander East Pipeline Project
Pine Barrens Forested Impact

Summary of Forested Acres Cleared within the Construction Footprint			
Central Pine Barrens Area	**Proposed Route (acres)**	**Modified Route (acres)**	**Decrease in Acres Impacts**
Core Preservation Area	21.9 acres	4.5 acres	17.4 acres (80%)
Compatible Growth Area	30.5 acres	22.6 acres	7.9 acres (26%)

Comparison of Forested Acres Cleared within the Construction Footprint					
Proposed Route Begin-End Approximate Milepost	**Central Pine Barrens Area Mainline**	**Proposed Route (acres) a/**	**Modified Route (acres) b/**	**Decrease in Acres Impacted**	**Percent Impact Decreased**
MP 34.3-MP 36.6	Core Compatible	5.1 acres 10.2 acres	0.0 acres 9.9 acres	5.1 acres 0.3 acres	100% 3%
MP 36.6-MP 37.6	Core	3.7 acres	0.4 acres	3.3 acres	90%
MP 37.6-MP 38.2	Compatible	3.0 acres	0.0 acres	3.0 acres	100%
MP 38.2-MP 39.3	Core	7.8 acres	1.5 acres	6.3 acres	81%
MP 39.3-MP 40.9	Compatible	12.2 acres	10.2 acres	2.0 acres	16%
MP 40.9-MP 41.1	Core	2.7 acres	0.0 acres	2.7 acres	100%
MP 41.1-MP 41.7	Compatible	3.4 acres	0.8 acres	2.6 acres	76%
MP 41.7-MP 42.6	Compatible	1.7 acres	1.7 acres	0.0 acres	0%
MP 42.6-MP 43.3	Core	2.6 acres c/	2.6 acres c/	0.0acres	0%
	Totals	**52.4 acres**	**27.1 acres**	**25.3 acres**	**48%**

a/ Acreage based on data provided in table 8A-2 of Appendix 8A of Resource Report 8 filed with the Federal Energy Regulatory Commission on June 15, 2001 in Docket No's. CP01-384-00, *et al.* Forested impacts are based on aerial photograph interpretation and have not been verified by an on-the-ground field survey.

b/ Modified route temporary workspace acreage impact on forested areas were calculated from aerial photograph at a scale of 1"=100' and have not been verified by an on-the-ground field survey.

c/ Islander East is proposing to cross the Carmans River by the Horizontal Directional Drill (HDD) construction Technique. The Carmans River is located in a Core Preservation Area in South Haven County Park. The HDD will avoid having to clear a construction right-of-way.

Modified Route Construction Techniques	
Proposed Route Begin-End Approximate Milepost	**Modified Route Construction Technique**
MP 34.3 – MP 34.6	Modified construction right-of-way
MP 36.8 – MP 37.6	HDD
MP 37.6 – MP 38.3	HDD
MP 38.4 – MP 39.4	HDD
MP 40.5 – MP 41.0	Modified alignment
MP 41.0 – MP 41.4	HDD

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding

Dated at: 2:38 (time) this 15th day of May, 2002

Name: Denise Spinelli

Address: Central Pine Barrens Commission
3525 Sunrise Hwy, 2nd Floor, PO Box 385
Great River, NY 11739-0385
631-224-2604

Signature: [signature]

Sworn to before me this 15 day of May, 2002

[signature]
Notary Public

MARK HENRY RIZZO
Notary Public, State Of New York
No. 01R6066569
Qualified In Nassau County
Commission Expires 03/26/2003

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