4.0 LOCAL MUNICIPALITIES

LOCAL MUNICIPALITIES 1

Town of
Brookhaven
Long Island

02 MAR 18 PM 4:35
FEDERAL ENERGY REGULATORY COMMISSION

March 6, 2002

John Jay LaValle, Supervisor

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

RE: Islander East Pipeline Company, L.L.C.
Docket Numbers CP01-384; CP01-385 and CP01-386

Dear Secretary Boergers:

L1-1 Islander East plans to lay the main line of their 24" diameter pipe through the Core Preservation Area of the Central Pine Barrens; the pipe will run to the east of, and parallel to, the William Floyd Parkway from Manorville to Riverhead. The Town of Brookhaven feels that it would be useful to take joint affirmative action to address the needs of Islander East and the need to preserve the integrity of the Core Preservation Area.

L1-2 Islander East should avoid disruption of the Core Preservation Area. The Core is an extremely valuable resource to the people of Suffolk County and all of New York State. Full consideration and a study of placement of the pipe in the center median, shoulder or along the western side of William Floyd Parkway must be undertaken. The western side of William Floyd Parkway is in the Compatible Growth Area, whereas the eastern side, where the main pipeline will run as currently proposed, is in the Core Preservation Area. This route is not entirely different from the currently proposed route. We are just asking that the route be positioned a couple of hundred feet to the west, to preserve the land that New York State taxpayers have paid to protect.

The preservation of the Core and open space areas have not been formally addressed during the Federal Energy Regulatory Commission's proceedings and need to be the priority of a study. I would appreciate a written reply from the Federal Energy Regulatory Commission as soon as possible.

Very truly yours,

JOHN JAY LAVALLE
Supervisor
Town of Brookhaven

JJL:cs
cc: Richard Amper, Executive Director, L.I. Pine Barrens Society
Annette Eaderesto, Town Attorney
John Girandola, Commissioner of Planning, Environment & Development

Office of the Supervisor
3235 Route 112 • Medford • NY 11763 • Phone (631) 451-6100 • Fax (631) 451-6677
www.brookhaven.org
Printed on recycled paper

020322 0119.2

DOCKETE

L1-1 See response to comment 4 in letter F2.

L1-2 These alternatives are discussed in Section 4.4.6 of the FEIS.

COUNTY OF SUFFOLK

CP01-385-000
CP01-384-000

ORIGINAL

ROBERT J. GAFFNEY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

CHARLES J. BARTHA, P.E.
COMMISSIONER

March 20, 2002

02 APR -5 PM 4:08
FEDERAL ENERGY REGULATORY COMMISSION

EXTERNAL AFFAIRS

Mr. Patrick Wood III, Chairman
Federal Energy Regulatory Commission
888 First Street, North East
Washington, D.C. 20436

Re: Islander East Pipeline Co., L.L.C.
Docket No. CP 01-384-000
CP 01-385-000
CP 01-386-000

Dear Chairman Wood:

This Department has jurisdiction over CR 46, William Floyd Parkway. As a result of numerous meetings with the Islander East Corporation regarding a project to install a 24-inch high-pressure gas main, Suffolk County has taken two positions which we would like to share with your staff. They are as follows:

Position #1: Number of Gas Mains

L2-1 It is this Department's understanding that not only is Islander East Corporation progressing a project to install a 24" gas main, but the Iroquois Pipeline Corporation has recently filed an application with FERC to run a 20" line along CR 46, William Floyd Parkway. Additionally, there is another rumor that Tennessee Power may be contemplating a similar installation.

In order to minimize the impacts to the traveling public as well as to mitigate environmental impacts to the adjoining roadside, we formally request that FERC approve a single pipeline, and, if necessary, require these companies to cooperate with the installation of a single pipeline along William Floyd Parkway. To facilitate this, the County would have no objection to approving a permit for a larger pipe in order to accommodate the required supply for multiple companies. Having this roadway constantly under construction with one project starting as another completes does not promote traffic safety and unnecessarily uses existing right-of-way.

Position #2: Pipeline Location

L2-2 Suffolk County believes that the most suitable location for the placement of the gas main is within the County road right-of-way, on its easterly side. In meeting with Islander East personnel, we believe the pipeline can be installed entirely within our right-of-way, thereby mitigating damage to the Long Island Pine Barrens.

020509011 3·2

DOCKETED

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

335 YAPHANK AVENUE ■ YAPHANK, N.Y. 11980 ■ (631) 852-4010 FAX (631) 852-4150

2002-00232

LOCAL MUNICIPALITIES 2

L2-1 Thank you for your comment. Both Iroquois and Islander East propose routing the pipeline along William Floyd Parkway. We looked at a single pipeline on Long Island in section 4.2 of the DEIS. However, Iroquois has repeatedly claimed that the market on Long Island is such that it would not require two pipelines. Because of this, Iroquois has also stated that it would not build its proposed pipeline if Islander East is constructed. See a revised discussion in section 4.2 of the FEIS.

L2-2 Thank you for your comment. The FEIS addresses the issues of using the Parkway right-of-way, avoiding use of the western side of the Parkway, and your concerns with using the median in section 4.4.6.

LOCAL MUNICIPALITIES 2

L2-2 We do not support the installation of the pipeline along the westerly side of the roadway or in the center median. The westerly boundary has multiple residential properties adjoining the right-of-way as well as additional side streets. The center median in the segment of William Floyd Parkway from the Long Island Expressway northerly to Whiskey Road, is used for highway drainage purposes. It is a relatively narrow median and, consequently, does not provide sufficient working room for safe installation. North of Whiskey Road, the center median widens out to a heavily wooded strip which offers the traveling motorist an attractive visual appearance. Additionally, the center median could be used to accommodate additional travel lanes should future demand require it. The County is willing to allow a pipeline installer access to the northbound shoulder and right-most travel lane on a temporary basis for use in staging the operation. We believe this will minimize the impact to the vegetation within William Floyd Parkway's right-of-way.

If you have any questions or require additional information please do not hesitate to contact me at (631) 852-4002.

Very truly yours,

William S. Shannon, P.E.
Chief Engineer

WSS:kdc
CC: George Gatta, Deputy County Executive
Charles J. Bartha, P.E., Commissioner
Paul Campagnola, Federal Construction Projects Coordinator

LOCAL MUNICIPALITIES 3

MAYOR
JOANNE B. WEHTWORTH
DEPUTY MAYOR
GEORGE P. GUERTIN
TOWN MANAGER
KARL E. KILDUFF

COUNCIL MEMBERS
MARY E. BIGELOW
VINCENT CANDELORA
MICHAEL DONNES
ANDREW ESPOSITO, IV
JOAN M. FITCH
JACK KRASKO
PAUL M. PHOTO

TOWN OF NORTH BRANFORD

TOWN HALL P.O. BOX 987 1599 FOXON ROAD NORTH BRANFORD, CONNECTICUT 06471-0987
TOWN MANAGER (203) 315-0000 TOWN HALL FAX (203) 315-0025

Good Evening, Environmental Staff Members of the Office of Energy Projects

This is a prepared statement from the Town Council of North Branford to be read into the record during the May 8, 2002 FERC Public Hearing on the DEIS for the Islander East Pipeline Project.

Statement from the North Branford Town Council

L3-1 The Town of North Branford, after studying the Draft Environmental Impact Statement of the Islander East Pipeline Project, must still object strongly to this project. Our concerns are not insignificant. This project puts the community at risk and directly affects approximately 71 properties in North Branford. The proposed pipeline is located in sensitive areas. These sensitive areas include single family residential properties, open space areas, wetlands, watercourses, areas with known archeological sites, and contaminated areas. The proposed route destroys the natural resources of our community in many ways.

L3-2 FERC concludes in the draft report that the entire project will cause minimal impact. We disagree with this conclusion. The entire project suffers from poor planning. There has not been sufficient due diligence on the part of Islander East in the completion of all

02051701352

1971

FERC DOCKETED

L3-1 Thank you for your comment.

L3-2 The DEIS does not conclude that the project would have minimal impact. It states that the project would have limited adverse environmental impact meaning there would be adverse impacts in some project areas, but that impacts would not be adverse in all areas.

specific testing to fully assess the localized impacts of the proposed route. How can such conclusions be reached in a draft document, when in many areas of the draft report, there are recommendations for additional or further testing?

L3-3 We are especially concerned that well water resources, that are so vital to our residences, will be irreparably damaged. Of great concern is the fact a major portion of the proposed project is within the Farm River water supply watershed area and on properties in neighborhoods that are served only by private individual wells and septic systems. It is not enough to say that the applicant will be concerned with wells within 150 feet of the proposed pipeline corridor. Most of the proposed North Branford route has a bedrock depth ranging from 10 to 50 ft. below the surface based on the US Geological Survey data. Although this information is general without specific property data, any

L3-4 construction blasting of bedrock has potential impact to a larger area of wells and septic systems because of these generally known geological and hydrological features of North Branford. The presence of a contaminated site at milepost, MP 5.5, which is northwest of Cedar Lake Road in the immediate vicinity of the proposed project, adds concern on how serious the impact may be to the subsurface supply of both public and private drinking water caused from any proposed project blasting, construction activity disturbance, and temporary stockpiling of excavated soil.

L3-5 As to residential use impact, Table 3.8.2.-1 of the FERC Draft Environmental Impact Statement dated March 2002 indicates that there are twenty-one North Branford residences within a range of 5 ft to 47 ft from the proposed construction work area. Of that number, eleven residences are actually within 5 to 15 feet from the construction work area. Beside the elimination of residential building use within the permanent easement area, there are high visual permanent impacts from the clearing of the construction areas.

L3-6 The proposed clearing of wide land areas will eliminate important natural landscaped buffer areas between existing developed residential, commercial and industrial uses - especially in the areas of Route 80, Foxon Road, which is a heavily traveled highway and Route 139, where they are residential homes abutting the Branford Steam Railroad Line and heavy industrial/commercial users. In addition, the proposed clearing of large tracts

LOCAL MUNICIPALITIES 3

L3-3 The potential impacts to groundwater resources are discussed in section 3.3.1.2 of the FEIS, as are Islander East's proposed mitigation and restoration measures. In addition, we have made a recommendation to ensure that any damage to wells is adequately repaired or replaced.

L3-4 The potential for blasting is addressed in section 3.3.1.2 of the FEIS. We do not believe that other construction activity disturbance or temporary stockpiling of soil would affect groundwater resources.

L3-5 Residential impacts are addressed in section 3.8.2.

L3-6 Impacts on visual resources are addressed in section 3.8.5.

L3-6 of existing undeveloped woodlands and open space land will certainly impact the natural environment of those areas, especially the areas that include wetlands and Cedar Pond. In many cases, these lands are also interspersed between developed residential and commercial/industrial areas - creating not only natural landscaped screening and noise control buffers, but, an overall lower land use density.

All these existing natural features are important factors that create a less urbanized character for a small town surrounded by a highly urbanized region. The expansion of the existing 8-inch gas line easement to accommodate a new 24-inch gas line is really the creation of a new industrial use corridor through the southern portion of this town – which is mostly residential. Its presence, resulting from the clearing of temporary and additional permanent easement areas, will be recognized on the town landscape. The permanent right of way areas range from 50 ft. to 85 ft. in width. With the addition of temporary construction areas, the width of disturbance adds up to a total width of 100 feet at various locations along the proposed pipeline route. In some cases, separate additional

L3-7 temporary areas, generally 50-ft by 100 ft., are proposed where trees will be cut to ground level stumps and wood chips spread along all disturbed areas from the trees cut down. To grass seed on top of an area of heavy wood chip cover as the only restoration activity will not restore the area to its natural condition. Whether it's through prime agricultural land, wooded open space areas or residential developments; the easement area will be an obvious land contrast because of the lack of vegetation and development on it. Because of the easement's increased size, it will no longer be a limited utility line corridor. It will provide the potential for utility companies to suggest it as a logical place for co-location or expansion from – for future utility lines, whether underground or overhead. This project, as currently proposed in the town of North Branford, will impact the physical character and future development of this portion of the town.

Simply put, this project is development by mandate and not by proper land use design and impact. It is our sincere hope that the environmental staff of FERC will reconsider their current evaluation, which is based on very limited supplied data from Islander East Company. Lastly, we request that FERC seek an independent data source not under

LOCAL MUNICIPALITIES 3

L3-7 The FEIS addresses possible future utility development along the pipeline right-of-way in section 3.8.2.

contract with Islander East to verify the information and claims that have been supplied by Islander East to FERC to date.

Sincerely on behalf of the Town of North Branford, Connecticut,

Joanne S. Wentworth
Mayor

Data Attachments

ELIZABETH P. GILSON ATTORNEY AT LAW

383 Orange Street
New Haven, CT 06511
Tel: 203.777.4050
Fax: 203.787.3259
egilson@snet.net

May 19, 2002

Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426
Attention: Megalie R. Salas, Secretary

Re: Islander East Pipeline Company
Docket Numbers: CP01-384-000, CP01-385-000, CP01-386-000

Dear Ms. Salas:

This letter is submitted on behalf of the Town of Branford, Connecticut, in response to the Draft Environmental Impact Statement for the Islander East Pipeline Project, issued by the Federal Energy Regulatory Commission on March 29, 2002 ("DEIS").

General comments:

L4-1 The Town of Branford, Connecticut has reviewed the DEIS, and compared its conclusions with those reached by the Branford Blue Ribbon Commission in its report prepared in November submitted to the FERC in January, 2002. The Blue Ribbon Report criticized Islander East's ("IE") application as lacking insufficient information for the Blue Ribbon Commission or any other regulatory agency to make an informed decision about the environmental compatibility of the proposed route. The Blue Ribbon Commission found that the details of the proposed construction project were woefully lacking, particularly for wetlands crossings, the proposed horizontal directional drilling ("HDD"), and the effects on the environment caused by the offshore construction activities. Unfortunately, the shortcomings in the application apparently inhibited the production of a comprehensive DEIS evaluation. Branford has prepared the following comments:

UPLAND CONSTRUCTION:

L4-2 ***The DEIS assumes, incorrectly, that there is a difference between a "temporary" disturbance and a long-term disturbance in a wetland system.***

Of the 43 wetlands crossings made by the Islander East project, 40 will be within

L4-1 Thank you for your comment. Several modifications to the proposed action have been made and have been revised in the FEIS.

L4-2 As stated in section 3.7.2 of the DEIS, we believe that Islander East has minimized wetland impacts through the proposed route, the use of its ESC Plan, and other proposed impact mitigation measures that would avoid or minimize potential impacts on wetlands.

May 19, 2002
Page 2

Connecticut, disrupting more than 30 acres. Approximately half of the Connecticut wetlands crossings occur within the boundaries of Branford. Branford's wetlands are predominantly freshwater palustrine, characterized as non-tidal wetlands dominated by trees, shrubs and herbaceous plants.

Pipeline construction plans call for clearing 75 or more feet along the entire length of the pipeline for a permanent right of way easement, and a "temporary" construction area. In many
L4-3 areas along the proposed route, the corridor is bound by ledge, steep side slopes, or other natural obstacles. It is improbable that clearing of a 75-foot wide construction zone is helpful in these instances. Moreover, the pipeline snakes back and forth under the tracks four times in the 3.06
L4-4 miles of its length in Branford, which maximizes its impact on environmentally sensitive areas.

L4-2 The DEIS assumes, incorrectly, that there is a difference between a "temporary" disturbance and a long-term disturbance in a wetland system. However, clearcutting of trees and the compaction of soils by heavy machinery cannot be considered "temporary" disturbances. Furthermore, since attaining even a semblance of the preconstruction state will take decades, there should be no distinction between acreage disturbed only during construction and acreage kept cleared after construction.

The primary impact of pipeline construction and right-of-way maintenance activities on
L4-5 wetlands would be the permanent conversion of forested wetland to scrub-shrub or emergent wetlands. As the DEIS acknowledges, in forested and scrub-shrub wetlands, the impact of construction would be of longer duration due to the longer regeneration period of these vegetative types, and clearing of wetland vegetation would result in temporary and permanent loss or alteration of wetland wildlife habitat and some wetland function. Other impacts associated with construction are changes in wetland hydrology, which could result in drier soil conditions which could inhibit the reestablishment of wetland vegetation. Disturbance of wetlands also could affect the wetlands' capacity to control erosion.

The effects of the construction process will permanently alter the nature of the wetlands and watercourses that it traverses even with a properly managed intensive mitigation plan. The cutting of the nearly unbroken canopy of trees over the wetlands, including those that lie along the rail line, will permit new levels of light and heat to penetrate down to the floor of the forested wetlands, changing the biological community of the wetland and subjecting it to drying.

The great majority of inland wetlands along the proposed route exhibit high values and
L4-6 are populated by a preponderance of native vegetation. The opening of the canopy also provides a direct corridor for penetration of invasive species that competes with and displaces local indigenous flora, thereby reducing natural biodiversity.

LOCAL MUNICIPALITIES 4

L4-3 The permanent right-of-way easement would be 50 feet wide, not 75 feet wide. However, a standard 75-foot-wide right-of-way plus extra work spaces would be required during construction. For areas along the corridor where ledge, steep side slopes, or other natural obstacles occur, not only would clearing the full 75-foot-wide construction zone be required, additional temporary workspace sometimes would also be necessary to safely and effectively install the pipeline. Special construction techniques that minimize work space requirements, minor route modifications, and other measures can be, and have been, considered and incorporated on a site-specific basis to reduce impacts in special resource areas.

L4-4 With regard to the statement that crossing back and forth under the railroad tracks maximizes project impacts on environmentally sensitive areas, a review of Islander East's reasons for crossing back and forth indicates that this alignment was actually intended to reduce impacts on environmentally sensitive areas and resolve other specific siting constraints.

L4-5 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

L4-7 ***The proposed pipeline construction clearly constitutes "regulated activity," which would trigger the "no net loss" of wetlands clause.***

As the DEIS properly points out, the Federal Clean Water Act of 1989, Section 404 specifies a "no net loss" requirement that wetland disturbances must be mitigated according to an approved wetland mitigation plan that enhances, restores or creates a wetland in an area ratio of not less than twice the area of the proposed wetland disturbance. Branford's Wetlands and Watercourses Regulations section 7.5.5 incorporates the "no net loss" requirement for all wetland disturbances greater than 750 square feet. Branford's "no net loss" requirement is consistent with requirements set by the Department of Environmental Protection for the State of Connecticut under chapter 22a, and by federal government pursuant to the Clean Water Act, section 404. ERC Report, p. 9. Under these definitions, the proposed pipeline construction clearly constitutes "regulated activity," which would trigger the "no net loss" of wetlands clause.

L4-8 It is troubling that the DEIS does not require a more demanding construction plan. As it is, IE's application includes only generic plans for wetland crossings and construction procedures for work near wetlands. The procedures and diagrams propose possible methods for working in and around wetlands, but do not indicate which procedures would be used in a given instance. This makes it difficult, if not impossible, to estimate the environmental cost of these wetlands losses, and, if approved, would legitimize the "worst case" construction plan.

In addition, the "Erosion and Sedimentation Control Plan" ("E&S Plan") as submitted by IE does not meet Branford's standards. Section 5 of the E&S Plan, dealing with wetlands crossings, allows sidecasting as a method of handling soil removed from a trenching operation in a wetland of intermediate or larger size. Placing spoils in a wetland area amounts to filling a wetland, and is subject to the Section 404 "no net loss" requirement. The E&S Plan also calls for stockpiling of spoils within 10 feet of the wetland boundary in the case of small or intermediate size crossings. A 10-foot buffer is not sufficient to exclude the migration of soil particles and associated phosphates into the wetlands.

L4-9 ***IE's plan to allow "natural" revegetation is not a reasonable approach to achieve revegetation of forested wetlands.***

In Connecticut, erosion and sedimentation control measures must be designed and approved on a site-specific basis. Branford's Inland Wetlands regulations require a clear and precise wetland planting plan that provides for at least five years of post-construction monitoring. Wetlands that are unavoidably disturbed must be re-vegetated with local wetland species. The IE E&S Plan (p. 1-2), referencing FERC Procedure (Section VI.D.5), states that forested wetlands will be re-vegetated with annual ryegrass.

LOCAL MUNICIPALITIES 4

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

L4-6 See response to comment 22 letter F3.

L4-7 See responses to comments 5 and 6. We have observed successful wetland restoration of forested wetlands from native seed stock, and we concur that Islander East's plan to allow natural revegetation (a modification to our Procedures) is a reasonable approach to achieve revegetation of forested wetlands given that the original surface elevation is restored and tree stump-root complexes are preserved. However, in the event a permitting agency identifies the need for a site-specific forested wetlands revegetation plan, Islander East stated it would develop such a plan and consult with regional agencies for pertinent recommendations.

L4-8 Comment noted. FERC expects Islander East to comply with all requirements for individual permits and certifications, including those for actions in wetlands. In addition, we believe that

L4-9 It will be decades before trees of the size of those being removed (two to four feet diameter, heights of more than 50 feet) will again be present. The DEIS appears to approve the IE construction plan, which proposes to do no restoration of the construction area, other than to scatter some seed of herbaceous species and otherwise let the plants grow from roots and seeds left in place Without active post-disturbance management, a mix of species similar to that present prior to the disturbance rarely occurs. In particular, the combined effects of the initial disturbance and altered light, soil and water conditions that result from the changing of a mature woodland to an immature, early successional community favor the dominance of invasive species.

L4-10 Furthermore, the seed mixes identified by Islander East contain mostly non-native species, which is unacceptable. No watering plan has been submitted and no contingency plan has been considered should the seed mixes not germinate properly (i.e., using mature plants rather than seeding). Finally, there are no success criteria for the restoration plan. At present, Branford requires an 85% survival rate for a period of no less than five years.

Conditions relating to route selection and construction practices - land

L4-11 1. Require that Islander East provide maps (of scale not less than 1" equals 40 foot) that show the exact location of wetlands, construction areas, and soil and erosion controls within each construction zone to a suitable regulatory body that includes municipal personnel before starting work at that location.

L4-12 2. The pipeline should avoid wetland areas unless absolutely no alternative route is available. Directional boring/drilling must be utilized to avoid direct disturbance to and destruction of all wetlands.

L4-13 3. Islander East should be required to work within as narrow a construction zone as possible, **determined in a site-specific manner**.

L4-14 4. Require that water for hydrotesting the Branford portion of the pipeline be obtained from municipal water supply sources.

L4-15 5. An environmental engineering company having its main office in the state of Connecticut should be retained as an **independent environmental inspector** for oversight of pipeline installation on land for a period to include the installation of the pipeline plus an additional five years.

LOCAL MUNICIPALITIES 4

Islander East's ESC Plan, based on FERC staff's Plan and Procedures, identifies proper restorative measures and implementation of this plan would adequately mitigate environmental impacts to soils and wetlands. See comments 5 and 6.

L4-9 See response to comment 7.

L4-10 Annual rye would be planted to control erosion in non-wetland areas and areas where site specific restoration and invasive species control plans have been prepared. See section 3.8.3.2 for a discussion of impacts to land trusts. Success criteria can be identified in the site-specific revegetation plan, if required by the land management. Section 8.1 of Islander East's ESC Plan developed for the project outlines the monitoring and success criteria.

L4-11 Comment is noted.

L4-12 See response to comment 5. HDD is not the preferred construction method in all wetlands and sensitive areas. Where wetland impacts could occur, multiple measures have been proposed.

L4-13 Thank you for your comment.

L4-14 As discussed in sections 3.3.2.2 and 3.4.1.2, we believe that obtaining water from the sources proposed is acceptable.

May 19, 2002
Page 5

L4-15
- An employee of this company should be required to be present on the construction site at all times.
- The environmental inspector should have formal training and experience in environmental engineering and local soil sedimentation and erosion controls as dictated by the Connecticut DEP's manual, "Guidelines for Soil Erosion and Sedimentation Control".
- The environmental inspector should have sufficient oversight and authority to stop, correct, and modify any and all construction practices that do not meet local standards, or that cause more damage or disruption than is absolutely necessary.
- The responsibilities of the environmental inspector should include:
  - ensuring that all soil sedimentation and erosion controls are in place before any construction activities are undertaken;
  - filing timely weekly reports and a report of any intrusion into wetlands and wetland upland review areas Branford's Inland Wetlands Enforcement Officer;

L4-16
  - creating a re-vegetation and restoration plan for all disturbed areas using only native species suited to the area, including a plan for mitigating all disturbed wetlands at not less than a 2:1 ratio as per local regulations, to be filed with and reviewed by the Branford Inland Wetland and Watercourses Agency, which would have the authority to request modifications;
  - overseeing the restoration of all disturbed areas, including monitoring for a minimum of 5 years after the last planting to insure a survival rate of 85%.

6. Require that the width of the permanently cleared area within the right of way be kept to the minimum required for monitoring by inspection from the Branford Steam Railroad.

L4-17

7. Replant all wooded upland and wetland areas used for construction that will not be kept clear for monitoring purposes with native species of trees and shrubs suitable to the site in numbers at least equal to the trees and shrubs that were cut during construction. Trees will be of equal trunk diameter as those removed.

L4-18

8. Provide a source of income to the Town of Branford and the Branford Land Trust sufficient to pay for yearly removal (not merely cutting) of invasive species (as identified on the list prepared by Connecticut Invasive Plants Working Group, January 2000, as revised) from the right of way and other disturbed areas.

L4-19

9. Restore all stones in stone walls to their exact pre-construction positions.

HORIZONTAL DIRECTIONAL DRILLING (HDD) AND MARINE INSTALLATION

LOCAL MUNICIPALITIES 4

L4-15 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.

L4-16 See response to comments 5 and 10. FERC expects Islander East to comply with all requirements for individual permits and certifications, including those for actions in wetlands. Such permits may include site-specific requirements at the discretion of the permitting agency.

L4-17 See responses to comments 6 and 7.

L4-18 See responses to comment 6.

L4-19 Islander East has proposed a stone wall restoration plan that would consist of saving and replacing the same stones into the rebuilt wall in a manner consistent and compatible with the original stone walls (i.e., weathered/lichen side facing out, rebuilt to be as similar as possible to pre-construction photographs). Although it is our objective and practice to require restoration of all stones to their exact pre-construction positions for the most exemplary historic and culturally

May 19, 2002
Page 6

Shellfish beds that are threatened by the pipeline installation are an important economic resource to individuals and to the Town of Branford. IE proposes horizontal directional drilling for entering Long Island Sound underneath the Town-leased shellfish beds. The proposed length of the HDD is 4,000 feet, about 500 feet under land and about 3500 feet under the sea floor. 174 acres under Branford's jurisdiction lies beyond the proposed exit point of the HDD.

L4-20 Horizontal directional drilling is untried in the context proposed here. IE is proposing the longest HDD project in Duke Energy's history and its first attempt at HDD in ocean conditions, starting on land and exiting on the ocean floor. Having the drill exit under water poses extreme technical challenges that Islander's engineers have never faced before. The depth of the exit point is approximately 13 feet below mean low water (19 feet or more below mean high water). Since HDD is performed using a suspension of bentonite clay injected under high pressure into
L4-21 the bore hole to lubricate the drill bit and enhance the cutting efficiency of the drill, a containment structure must be in place where the drill exits the hole to prevent large volumes of the pressurized bentonite slurry from escaping into the water and dispersing in the currents. IE is still designing a containment structure, and could not say how it will contain the Bentonite slurry at the exit point of the drill.

L4-22 The bentonite clay used for drill lubrication "flocculates" i.e., congeals and falls to the sea floor without dispersion. This claim may be incorrect, since the dispersion of bentonite and for that matter all sediment suspended during the underwater construction phase of the pipeline project depends largely on the salinity levels, pressure, specific gravity and tidal current strength in the area of discharge. Given the low salinity of Stony Creek Harbor that results from the influx of fresh water streams, the potential for dispersion of bentonite and other sediment raises
L4-23 concerns. the chance of failure is increase by the presence of large amounts of granite in the area proposed for HDD.

IE did not prepare a contingency plan for how the pipe will be laid should directional drilling fail. Should the HDD prove to be unable to open the necessary path for the pipe, then the
L4-24 company has two options: move the drill path or fall back to trenching techniques. The first option raises concern, given that movement of the directional drill not only creates a second and/or multiple intrusions into the shellfish beds but would require additional time, produce additional discharge of spoils that would require disposal and raise the potential for unplanned release of bentonite.

L4-25 IE's expert witness, W. Frank Bohlen, did not present a final analysis of marine sediment dispersion associated with the installation of the IE pipeline. In his Initial Evaluation, Dr. Bohlen stated that 1.4 million cubic yards of sediments will be displaced from the bottom of Long Island

LOCAL MUNICIPALITIES 4

significant stone walls (requiring a specialist to number each stone for exact positional replacement), we do not believe this is warranted for the more common or typical stone walls.

L4-20 The maximum length for comparable diameter pipeline has been 6,000 feet.

L4-21 Since issuance of the DEIS, Islander East has submitted a Directional Drilling Monitoring and Operations Program Plan that describes measures it would undertake to monitor for, 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.

L4-22 Data concerning the ability of bentonite mud to coagulate in low salinity waters has been included in section 3.3.3.2 of the FEIS under "HDD Fluids."

Islander East has developed two primary methods of recovering the drilling fluid during HDD construction. The first method requires a casing extending from below the seabed to the drilling rig. The casing is to be driven into the seabed and will serve as support and guide the drill string, drill bit, and reamers during stages of the HDD construction process, and to serve as a return conduit for drilling fluids during those stages. The second method is the development of a mud recovery unit (MRU) that

May 19, 2002
Page 7

Sound during the pipeline construction. Approximately 45,000 cubic yards of those sediments would be sidecast and stored for three or more weeks, in mounds ten feet high adjacent to the pipeline route between MP 10.95 and MP12. Dr. Bohlen has not explained what will happen to
L4-26 those materials under winter conditions, when the sidecast materials are exposed to storm events. In particular:

L4-27
- Sidecasting and temporary storage of these dredged materials presents a significant risk to water quality and benthic resources Wind generated waves can rapidly reach heights of more than eight feet. Waves this high can completely mobilize the sidecast mounds and transport the dredge spoil throughout the Thimble Islands area.

L4-28
- Wave-driven dispersion of the temporarily-stored dredge spoils will require IE to import sediments for the burial of the installed pipeline. The Application identifies no contingency for such a requirement and has provided no assessment of the resulting impacts to offshore and coastal resources.

L4-29 Dr. Bohlen estimates that 5% of the excavated sediments will be released into the water column during mechanical dredging operations as the sidecast mounds are formed between MP 10 and MP 12.5; and that 80% of those suspended sediments will settle within 20 meters of the dredge position. These claims are not supported by any field observations or simulations of hydrodynamic events, nor has there been produced any defensible quantification of the impacts caused by dredging and sidecasting sediments in this area.

L4-30 Material removed by drilling, together with the spent bentonite slurry, will be collected in a small impoundment pool, where the bentonite will be separated from the drill spoil for reuse. It is not known whether the pools would reliably impound the discharged material from the drill, nor is
L4-31 there any information about the impact on the salt marshes should the spent slurry escape.

Conditions relating to route selection and construction practices – marine

L4-32 1. Retain a **second, independent, environmental engineering firm** with expertise in marine construction to provide independent oversight of the horizontal directional drilling and installation of the marine portion of the pipeline, with sufficient oversight and authority to stop, correct, and modify any and all construction practices that cause more damage or disruption than is absolutely necessary.

L4-33 2. Provide quantification of sediment-related impacts that will result from the proposed mechanical plow operations and commit to the use of the mechanical plow for all
L4-34 offshore operations. The hydraulic plow should not be permitted for use on this project.

LOCAL MUNICIPALITIES 4

would be placed in the subsea exit hole. The MRU would interface with the drilled hole via a shorter length of casing that would likewise be driven into the seabed. Fluid and drill cuttings would be pumped from the unit into a mud-handling unit on the drill support vessel.

Based on a recent study conducted by Bohlen et al. (2002), the HDD construction method is expected to discharge approximately 455 barrels of mud with the majority of the mass discharged being water and less than 5 percent of the total mass consisting of bentonite clay and rock fragments. Mud released from the HDD construction method would be uniformly spread to a depth of 5 mm, a value approximating the depth of flow induced disturbance of the sediment water interface, by local currents. The uniform spread would result in the coverage of a circular area approximately 444 feet in diameter and approximately equal to the area involved in the excavation of the transition basin and the placement of the bordering berm of dredged materials.

Section 3.4.1.2 of the FEIS has been revised to address the potential impacts from bentonite drilling mud on shellfish.

L4-23 If the HDD were to fail, Islander East would be required to develop a site-specific plan for an alternate crossing technique. This plan would be reviewed by FERC, the COE, and the CTDEP, prior to its use.

May 19, 2002
Page 8

L4-35 3. Provide a plan that addresses how the pipeline placed by HDD would be repaired and/or maintained.

L4-36 4. Prohibit construction on any part of the project, neither in the upland nor the marine areas from commencing unless and until IE has successfully completed a satisfactory bore hole by the HDD process, as certified by an independent engineer. However, after two unsuccessful attempts at completing a bore hole have been made, without success, IE shall so notify the FERC and must halt construction until further notice.

L4-37 5. Test marine sediments at close intervals along the route for heavy metals and other toxic materials. The route should be altered to avoid areas where levels of toxic materials exceed background.

L4-38 6. Develop a mitigation and restoration plan for all marine activities that will return the impacted area to preconstruction conditions within one year. This plan must be approved by National Marine Fisheries Service, Connecticut Department of Environmental Protection and the Branford Shellfish Commission.

ALTERNATIVES

L4-39 The DEIS section on alternative routes (Section 4) is a valuable starting point. Given a review of the facts summarized below, it is clear that the proposed alternative to the Islander East pipeline by the Iroquois Gas Transmission System offers a solution to Long Island's energy needs that will be easier to install, minimizes impacts to both upland and offshore environments, and has its ultimate capacity determined by prevailing market forces on Long Island.

L4-40 However, as an option, Branford proposes a variation of the alternatives presented, namely a joint venture between IE and Iroquios Gas Transmission Company ("Iroquois"). This proposal requires:

- That the Iroquois system proposal be accepted as the means of supplying natural gas to Long Island but that Iroquois control only its present system and benefit from its upgrades and increased volumes, and

That Islander East build, be responsible for and benefit from the extension across the sound and its gas volumes into Long Island.

Because these are two competing companies, this relationship may have to be implemented by FERC. However, under this alternative, gas could be provided to Long Island at

LOCAL MUNICIPALITIES 4

L4-24 The potential need for a second, or multiple, tries is a known aspect of drilling operations. Generally, if additional attempts are required, it is due to an encounter with an object or substance that hinders the drill bit. This most often occurs prior to the punch out at the exit hole, and would have minimal affect on the overlaying surface environment.

L4-25 Sections 3.3.3.2 and 3.4.1.2 of the FEIS have been updated with information from the sediment dispersion modeling.

L4-26 See response to comment 25.

L4-27 See response to comment 25. A computer modeling evaluation of marine sediment dispersion associated with the installation of the Islander East pipeline has been conducted. This study also addresses the impacts of storm events on sediment mounds and long-term mound stability. The results have been incorporated into section 3.4.2.1 of the FEIS.

L4-28 See response to comment 11 letter G61.

L4-29 See response to comment 27.

L4-30 See response to comment 21.

L4-31 Based on guidelines from the FERC's Procedures, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and the Natural Resource Conservation Service, Islander East has prepared its ESC Plan to minimize erosion of disturbed soils and transportation of sediments off the right-of-way and into

May 19, 2002
Page 9

L4-40 the correct pressures in the shortest possible time; both of these competing companies would profit (although each to a lesser extent); the significant environmental impact to Connecticut, the Sound and Long Island would be minimized; the size of the system would be determined by market demand; and last but not least, the sound public policy concept of avoiding cumulative impacts would be furthered.

The Iroquois extension minimizes impact to Long Island sound by having a route that is approximately 3 miles shorter than the IE proposed line, and by impacting only 25% of one commercial fishing lease along it's entire route. Because of its simplicity, the Iroquois proposal could be completed and in place in a much shorter time frame.

Because of its existing capacity, the Iroquois proposal could meet its evaluation of Long Island's needs without affecting upland or coastal resources. (One compressor station will be required on land already owned bordering a closed landfill.) Should Long Island's energy needs change, the Iroquois system could be upgraded to meet the needs projected by IE with a simple 6.5 mi loop that could be installed anywhere along the existing Iroquois upland route. This is far less upland impact then IE proposes for the same supply.

L4-41 The existing Iroquois upland system is a far safer system than the one IE proposes to build. It is a class 3 system with a higher wall-strength than IE's proposed system, and additionally, it is encased in concrete to ensure safety. It is also pressure-tested to 2200 psi. A system of this type is generally considered impenetrable by the trade. IE's system is not.

L4-42 Utilizing the Iroquois alternative, therefore, nullifies the needs-analysis argument between the two companies. Current needs can be met immediately with minimal environmental impact. Actual market demand can then effectively regulate upgrading the system. This is FERC's stated preference and in fact ensures that the environmental impact will be limited to only what is necessary. (There is ample lead-time in evaluating need as it develops because of the permitting process for power plants.)

L4-43 Impact on the New York Side is also minimized by the Iroquois extension, because the IE system could not supply gas at pressures required by power plants. The Iroquois System is a higher pressure system (700 psi to Long Island) than that proposed by IE (366 psi to Long Island). Power plants on Long Island will require between 550 and 600 psi guaranteed continuous pressure. Compressor stations would have to be built on Long Island, as power plants will be principal users of the gas. Compressor stations on Long Island are not necessary under the Iroquois plan.

Branford appreciates the opportunity to respond and respectfully requests that its proposals be incorporated into the finished report.

LOCAL MUNICIPALITIES 4

sensitive resources (wetlands, streams, and residential areas) during construction. In addition, Islander East has prepared a Spill Prevention, Control, and Countermeasure Plan to address the handling of fuel and other materials in or within 100 feet of wetlands.

L4-32 See response to comment 15.

L4-33 See response to comment 25.

L4-34 Use of a subsea plow and dredging are the preferred methods for off-shore construction. Use of hydraulic jetting is no longer proposed.

L4-35 Pipe segments installed by HDD can be excavated for inspection near the entry and exit locations, if necessary. However, excavation would not occur for the segments installed at greater depths below the surface. Any deeper segment that no longer meets DOT standards would have to be replaced with a new HDD.

L4-36 We have addressed in section 3.3.3.2 your recommendation that Islander East not start construction of any other segments of the project until the Connecticut landfall HDD is successfully completed.

L4-37 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.

May 19, 2002
Page 10

Very truly yours,

Elizabeth P. Gilson

LOCAL MUNICIPALITIES 4

L4-38 We believe that Islander East's construction related mitigation and restoration measures, as described in the EIS, are sufficient and therefore a separate mitigation and restoration plan would not be warranted. See section 4.3.1.2 for FERC's recommendation that Islander East perform post-construction offshore monitoring.

L4-39 Thank you for your comment. Section 4.2 of the FEIS has been revised to include additional information on the system alternatives that use aspects of the proposed Iroquois ELI Extension Pipeline.

L4-40 Thank you for your comment. The Commission has not yet determined if Islander East and the ELI Extension Projects are competing projects.

L4-41 Thank you for your comment. All interstate pipelines including Islander East must meet minimum DOT design requirements.

L4-42 Market demand is beyond the scope of this FEIS and will be addressed by the Commission in any order that may be issued for this project.

L4-43 Islander East states that the proposed pipeline design would meet the delivery volumes expected by the end user at their needed pressures.