

1.0 INTRODUCTION

The staff of the Federal Energy Regulatory Commission (Commission or FERC) has prepared this draft supplemental environmental impact statement (DSEIS) to assess the environmental impacts associated with the construction and operation of a project that would involve facilities proposed by five pipeline companies. Collectively this project is referred to as the Northeast (NE)-07 Project. We¹ have prepared this document as a supplement to the final environmental impact statement (FEIS) that was prepared for the Millennium Pipeline Project² and issued in October 2001. On September 19, 2002, the Commission issued an order approving the Millennium Pipeline Project proposed by Millennium Pipeline Company, L.P. (Millennium) in Docket Nos. CP98-150 et al and the related abandonment application proposed by Columbia Gas Transmission Corporation (Columbia) in Docket Nos. CP98-151 et al. The Millennium Pipeline Project FEIS and the record of the decision in that proceeding are incorporated by reference into this DSEIS. On May 9, 2002, the State of New York denied an individual coastal zone consistency concurrence for the Millennium Pipeline Project. The Department of the Army subsequently denied, without prejudice, Millennium's section 10 and 404 permit applications for the project in a letter dated January 20, 2004 (Department of the Army Permit Application Nos. 97-320-003(2), 1999-00640, 199701186). The U.S. Secretary of Commerce upheld the State's decision on December 15, 2003.

The NE-07 Project would in effect be a modification of and an alternative to the Millennium Pipeline Project approved in that proceeding. It would include construction and operation of certain facilities approved for the Millennium Pipeline Project, with some additions and modifications, as well as facilities proposed by other companies as summarized below and as described more fully in this document.

- Millennium would construct and operate certain amendment facilities in Docket No. CP98-150-006 and CP98-150-007 for the Millennium Pipeline Project – Phase I, or the Phase I Project.
- Columbia has proposed the Line A-5 Replacement Project in Docket No. CP05-19-000. (On August 1, 2005, Columbia requested that this application be consolidated with Millennium's amendment application.)
- Empire State Pipeline and Empire Pipeline, Inc. (collectively referred to as Empire) propose in Docket No. CP06-5-000 to construct the Empire Connector Project.
- Algonquin Gas Transmission System, LLC (Algonquin) proposes in Docket No. CP06-76-000 to construct the Ramapo Expansion Project.
- Iroquois Gas Transmission System, LP (Iroquois) proposes in Docket No. CP02-31-002 to amend the certificate it received from the Commission on October 31, 2002, in Docket No. CP02-31-000 to modify the approved facilities and to construct and operate certain additional facilities for the MarketAccess Project. An environmental assessment (EA) was issued for Iroquois' Brookfield Expansion Project in the original proceeding. The EA and the record of the decision in that proceeding are incorporated by reference into this DSEIS.

On August 1, 2005, Millennium filed its application with the Commission to amend the Certificate of Public Convenience and Necessity (Certificate) issued by the Commission for the Millennium Pipeline Project. This Certificate also included approval of Columbia's related abandonment application in Docket No. CP98-151 et al. whereby Columbia would abandon certain pipeline facilities in place, by removal, and by conveyance to Millennium. (Millennium would remove Columbia's pipeline

¹ "We", "us", and "our" refer to the environmental staff of the Office of Energy Projects, part of the Commission staff.

² On September 19, 2002, the Commission issued an order approving the Millennium Pipeline Project in Docket Nos. CP98-150 et al. On July 12, 2005, Millennium was granted approval of its request for an extension of time to file its implementation plan for the project and to complete construction, since its amendment to the project application was expected to be filed with the Commission soon.

facilities during the construction of its facilities.) The certificate was issued to Columbia and Millennium under sections 7(b) and 7(c), respectively, of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations. In its request for amendment, Millennium asks that the previously authorized project be approved for construction in phases (as opposed to construction during a single construction period). Therefore, Millennium identified route and facility modifications to the previously authorized project in its application for the Phase I Project. On December 20, 2005, Millennium filed an amendment (Docket No. CP98-150-007) to its August 1, 2005 amendment application reflecting a modification to its proposed compressor station facilities it would install in Corning, New York. The proposed Phase I Project modifications are detailed in section 2.1.1.

On May 3, 2006, Millennium filed a second amendment application (Docket No CP98-150-008) and Columbia filed a related amendment application (Docket No. CP98-151-004) to: reflect the conversion of Millennium Pipeline Company, L.P. to Millennium Pipeline, L.L.C., a Delaware Limited liability company; modifying the facilities Millennium would acquire from Columbia and operate; updating customer precedent agreements; modifying the capacity lease agreement with Columbia; relocating the proposed Wagoner M&R Station from Milford, Pennsylvania, to Deer Park, New York, at the interconnection of Columbia's Line K and the proposed Millennium Pipeline; and proposing minor route variations and modifications to proposed pipe, contractor, and staging yards. Columbia's May 1, 2006 amendment application modifies the facilities it proposes to abandon by conveyance to Millennium, the capacity lease agreement, and related issues.

This EIS document will address the facilities as proposed by Millennium in its August 1, 2005 application as amended by its December 20, 2005 and May 3, 2006 amendment applications and by Columbia in its August 1, 2005 application as amended by its May 3, 2006 amendment application.

In general, Millennium's amendment application for the Phase I Project includes:

- construction of about 181.7 miles of 30-inch-diameter pipeline from Corning, New York, to Ramapo, New York, (from milepost [MP] 190.6 to MP 376.6), with four proposed route modifications within this area;
- acquisition from Columbia and continued use of about 7.1 miles of 24-inch-diameter Line A-5 pipeline from MP 340.5 to MP 347.7;
- acquisition from Columbia of the facilities Columbia would convey to Millennium as listed below;
- construction of 1,278 feet of 24-inch-diameter pipeline from MP 343.8 to MP 344.1;
- installation of additional compression and measuring and regulating (M&R) facilities at Columbia's existing Corning Compressor Station (CS)(MP 190.6);
- construction of the Wagoner M&R station in Deer Park, Orange County, New York, at MP 337.9; and,
- installation of upgrades to the Ramapo M&R station in Ramapo, Rockland County, New York.

In addition, the Phase I Project would include construction and operation of Columbia's proposed Line A-5 Replacement Project. The Line A-5 Replacement Project consists of:

- replacement of 8.8 miles of 8- and 16-inch-diameter segments of Columbia's existing Line A-5 pipeline with larger 30-inch-diameter pipeline in Orange and Rockland Counties, New York;
- modification of three existing M&R stations (the Tuxedo, Sloatsburg, and Ramapo M&R stations) on this segment of Line A-5 to accommodate the larger diameter pipeline; and
- abandonment in place of about 1.0 mile of the existing Line A-5 pipeline.

Further, Millennium proposes in its May 3, 2006 amendment application to vacate in part the certificate of public convenience and necessity it received in the Interim Order as it relates to the Phase II facilities and conditions. Therefore, Millennium proposes to construct and operate only the facilities it has identified as Phase I facilities (these facilities would include, among other things, the crossings of Lake Erie and the Hudson River). All non-environmental issues would be addressed by the Commission in the Order for this proceeding.

Millennium proposes to construct Columbia's Line A-5 Replacement Project as part of the Phase I Project. In this document, issues related to the Line A-5 Project have been identified separately so that individuals who have provided comments on this project may more easily follow its environmental analysis. Further, in evaluating the initially proposed route for the Line A-5 Replacement Project, which would involve mainly replacement of the old pipe with new pipe in the same ditch, route variations were identified. By Millennium's May 3, 2006 amendment application, it proposes to construct two route variations: the Sterling Forest ® State Park/Laurel Ridge Route Variation (MP 367.8 to 368.5) and the Ramapo River HDD Variation (MP 369.4 to MP 370.3) which would be in the Line A-5 Replacement Project portion of the Phase I Project. These are discussed in section 3, Alternatives, of this document.

Columbia filed on August 1, 2005, its related amendment application in Docket No. CP98-151-003 to correspond with the modifications proposed in Millennium's amendment application. These facilities were subsequently modified by Columbia's May 3, 2006 amendment application. The Commission approved certain of these same proposed modifications as part of its Interim and Final Orders for the Millennium Pipeline Project. Pursuant to its May 3, 2006 amendment application, Columbia proposes the following:

- abandonment in place of about 4.5 miles of 10-inch-, 82.2 miles of 12-inch-, 0.2 mile of 16-inch-, and 2.5 miles of 20-inch-diameter pipeline in Steuben, Chemung, Tioga, Broome, Orange, and Delaware Counties, New York, designated as Line A-5;
- abandonment by removal (Millennium would remove Columbia's pipeline when it installs its pipeline via same ditch replacement) of about 55.5 miles of 12-inch-, 16.6 miles of 10-inch-, and 8.8 miles of 8-inch-diameter pipeline in Delaware, Sullivan, Orange, and Rockland Counties, New York, designated as Line A-5, and of the Walton Deposit M&R station at MP 276.1 in Delaware County (Millennium would relocate this facility at the landowner's request and to move it closer to Line A-5);
- abandonment by conveyance to Millennium of:
 - about 3.1 miles of 10- and 12-inch-diameter pipeline in Steuben County, New York, designated as Line 10325;
 - about 0.4 mile of 10-inch-diameter pipeline in Broome County, New York, designated as Line 10356;
 - about 52.5 miles of 10-, 12-, and 24-inch-diameter pipeline in Steuben, Chemung, Broome, and Orange Counties, New York, designated as Line A-5;
 - about 2.6 miles of 6-inch-diameter pipeline in Tioga County, New York, designated as Line AD-31;
 - about 0.1 mile of 12-inch-diameter pipeline in Broome County, New York, designated as Line N;
 - about 6.7 miles of 24-inch-diameter pipeline in Rockland County, New York, designated as Line 10338;
 - the following M&R stations in New York:
 - Corning Natural Gas, MP 180.4, Steuben County;
 - Cooper Planes, MP 182.1, Steuben County;
 - M Account, MP 187.5, Steuben County;
 - Corning Glass, MP 188.4, Steuben County;

- Spencer, MP 217.3, Tioga County;
- Catatonk, MP 228.2, Tioga County;
- Owego, MP 231.5, Tioga County;
- Union Center, MP 240.2, Broome County;
- Endicott, MP 241.7, Broome County,
- Westover, MP 245.7, Broome County;
- Willis Road, MP 248.1, Broome County;
- Port Dickinson, MP 250.8, Broome County;
- Kirkwood, MP 253.8, Broome County;
- Hancock, MP 285.6, Delaware County;
- Hartwood Club, MP 332.1, Sullivan County;
- Middletown, MP 347.7, Orange County;
- Huguenot, MP 3440.5, Orange County;
- Warwick, MP 359.3, Orange County;
- Greenwood Lake, MP 364.2, Orange County;
- Central Hudson/Tuxedo, MP367.9, Orange County;
- Sloatsburg, MP 373.3, Rockland County;
- Ramapo, MP 376.4, Rockland County; and
- Buena Vista, MP 383.3, Rockland County.

Millennium would replace the facilities Columbia would abandon in place or remove with its proposed project facilities, or it would continue to use those it would acquire by conveyance.

On October 11, 2005, Empire filed an application with the Commission in Docket No. CP06-5-000 under section 7(c) of the NGA and Part 157 of the Commission's regulations for a Certificate to construct and operate the Empire Connector Project. This project would consist of:

- construction of about 78 miles of new 24-inch-diameter pipeline and associated facilities in Ontario, Yates, Schuyler, Chemung, and Steuben Counties, New York; and,
- construction of a new compressor station in Genesee County, New York.

On March 1, 2006, Empire filed a supplement/addendum to its application to present proposed variations in the pipeline route and the results of additional surveys completed during the fall of 2005. This project would supply about 250,000 dekatherms per day (Dth/d) of transmission capacity and have a maximum allowable operating pressure (MAOP) of 1,440 pounds per square inch gauge (psig). It is proposed to supply natural gas to Millennium's pipeline system, in order to serve downstream markets in the New York, New Jersey, and New England areas.

On March 1, 2006, Algonquin filed an application with the Commission in Docket No. CP06-76-000 under section 7(c) of the NGA and Part 157 of the Commission's regulations for a Certificate to construct and operate the Ramapo Expansion Project. This project consists of:

- replacement about 4.9 miles of existing 26-inch-diameter pipeline with 42-inch-diameter pipeline in Rockland County, New York;
- construction of miscellaneous pipeline modifications and meter station modifications at several locations in Rockland County, New York, and Fairfield County, Connecticut;
- modifications to three existing compressor stations in Rockland and Putnam Counties, New York, and Morris County, New Jersey; and,
- construction of one new natural gas compressor station in New Haven County, Connecticut.

This project would provide an additional 125,000 Dth/d of firm natural gas transportation services to Consolidated Edison Company (Con Edison) and 200,000 Dth/d of transportation capacity to KeySpan Energy Delivery (KeySpan) for the New York natural gas market. Upstream transportation for the volumes to be delivered to Con Edison would be provided by Millennium and Algonquin.

On March 29, 2006, Iroquois filed an application with the Commission in Docket No. CP02-31-002 under section 7(c) of the NGA and Part 157 of the Commission's regulations for an amendment to its October 31, 2002 Certificate. Iroquois proposes to modify, construct, and operate the MarketAccess Project. This project would consist of:

- reduction of the proposed size of the compressor to be constructed in the Town of Brookfield, Connecticut, from 10,000 hp to 7,700 hp;
- construction of a new transfer compressor station and natural gas cooling facilities in the Town of Brookfield, Fairfield County, Connecticut; and,
- installation of cooling facilities at Iroquois' existing compressor station in Town of Dover, Dutchess County, New York.

The project would provide 100,000 Dth/d of firm natural gas transportation services to Con Edison. The gas would be delivered to Con Edison at Iroquois' existing Hunts Point, Bronx, New York meter station.

1.1 PURPOSE AND NEED

1.1.1 Millennium Pipeline Project – Phase I

Millennium does not presently own any pipeline facilities but would construct and operate pipeline and other facilities and acquire pipeline and other facilities from Columbia for continued use and/or replacement as listed above. Millennium has redesigned and reduced the scale of the system that the Commission previously authorized to meet the current needs of the natural gas market. Millennium conducted an open season in June 2005 for pipeline capacity on its proposed project. The shippers who have contracted for service on Millennium's system would arrange for upstream and/or downstream transportation on one or more pipelines. The Phase I Project would provide for the delivery of about 525,400 Dth/d to Millennium's customers (as opposed to 714,000 Dth/d in the original certificate application). It would interconnect with Algonquin's 26- and 30-inch-diameter pipelines at the existing Ramapo M&R Station. Millennium proposes beginning construction of certain facilities late in 2006, but would construct most of the facilities in 2007. Millennium anticipates placing all of the Phase I Project facilities in service by November 1, 2007, in order to meet the needs of its shippers.

1.1.2 Columbia Line A-5 Replacement Project

In conjunction with the U.S. Department of Transportation (DOT) and the New York Public Service Commission (NYPSC), acting as agent for the DOT Office of Pipeline Safety, in 1995 Columbia assessed corrosion and the need for pipeline replacement or other measures on about 37 miles of its Line A-5 between Columbia's Hugoenot M&R Station in Orange County, New York, and the Ramapo M&R Station in Rockland County, New York. Through internal pigging, inspection digs, and cathodic protection surveys, Columbia tested and verified the physical condition of the pipeline. The results showed that some segments of Line A-5 should be replaced, some segments of the pipeline should be operated at reduced pressure, and the cathodic protection system needed to be upgraded. In February 2003, Columbia committed to the DOT and NYPSC to implement an Age and Condition Program, an ongoing system upgrade program to replace sections of the aging A-5 pipeline to ensure safety and continuity of service.

Initially, Columbia intended replacing the multi-diameter Line A-5 with 10-inch-diameter pipeline, and some segments of Line A-5 were replaced in 2003 and 2004 in compliance with the DOT direction. Similarly, in 2005, Columbia had planned to replace the easternmost 8.8 miles of Line A-5 with 10-inch-diameter pipeline. However, Columbia re-evaluated its plan and determined that replacement with 30-inch-diameter pipeline (instead of 10-inch-diameter pipeline) would be a better choice, due to the anticipated demand for increased throughput in its system in this area. Because this activity would involve the larger diameter pipeline, Columbia was required to file a request pursuant to section 7(c) of the NGA for the 8.8-mile-long Line A-5 Replacement Project. Columbia stated that replacement with the larger, 30-inch-diameter pipeline would avoid repeated disturbance of sensitive areas in this area in the event that, in the near future, Columbia needed to increase capacity and construct the proposed larger diameter pipeline to accommodate potential future system expansion and meet anticipated market growth. Specifically, this would avoid repeated impacts to resources in Sterling Forest® State Park, the Ramapo River, Kakiat Park, and Harriman State Park.

Columbia stated that the Line A-5 Pipeline Replacement was needed to continue and ensure long-term reliability of firm service to Columbia's existing customers, and also represents a necessary link in Millennium's proposed transmission system between the Phase I Project and the identified downstream pipeline projects and markets/customers.

1.1.3 Empire Connector Project

The Empire Connector Project would provide natural gas transportation capacity for gas supplies delivered to Empire State Pipeline at the interconnection of the facilities of TransCanada Pipelines Ltd. and Empire State Pipeline at the United States – Canada border, and Empire State Pipeline would transport gas to the proposed Empire Connector Project in Victor, New York. Gas would be transported via the Empire Connector Project to the proposed Millennium Phase I Project at Corning, New York. The Empire Connector Project would add about 250,000 Dth/d of transmission capacity for shippers on its system. It would deliver gas to Millennium's pipeline for shippers in downstream markets in the New York City, New Jersey, and New England areas. Of the proposed 250,000 Dth/d of available pipeline capacity, Keyspan has executed a precedent agreement with Empire State Pipeline for the firm transportation of 150,000 Dth/d, and represents the initial anchor shipper for the Project. Empire anticipates that other local distribution companies (LDCs) would subscribe to the remaining capacity.

1.1.4 Algonquin Ramapo Expansion Project

The purpose of the Ramapo Expansion Project is to provide additional capacity to facilitate transportation of new supply receipts from Millennium's Phase I Project, and specifically, to provide 125,000 Dth/d of natural gas transportation capacity to Con Edison and 200,000 Dth/d of transportation capacity to KeySpan. Millennium's Phase I Project and the Ramapo Expansion Project would provide transportation service to customers in the New York natural gas market specifically, and the New England market generally, with additional access to natural gas supplies from traditional production sources attached to the natural gas pipeline grid in the U.S. and Canada, as well as access to local production and storage in New York. In addition, Algonquin states that other natural gas utilities, retail consumers and electric generators would benefit from additional reliability and flexibility that the project would provide to the Algonquin pipeline system.

1.1.5 Iroquois MarketAccess Project

The purpose of the Iroquois MarketAccess Project is to provide firm natural gas transportation services to Con Edison. Of this volume, 100,000 Dth/d would be delivered by Algonquin to Iroquois at

Brookfield, Connecticut, for Con Edison's account, beginning November 1, 2007. The gas would then be transported by Iroquois and delivered to Con Edison at its existing Hunts Point, New York meter station.

In order to increase system capacity to receive the natural gas from Algonquin and provide the transportation services, Iroquois would also construct gas cooling facilities at its Dover, New York compressor station and install a transfer compressor and gas cooling facilities at its interconnect with Algonquin at Brookfield, Connecticut. The transfer compressor would increase the pressure of the gas being delivered by Algonquin to allow it to enter Iroquois' system.

1.2 PURPOSE AND SCOPE OF THIS STATEMENT

The Commission is the federal agency responsible for evaluating applications filed for authorization to construct and operate interstate natural gas facilities. Certificates are issued under section 7(c) of the NGA and part 157 of the Commission's regulations if the Commission determines that the project is required by the public convenience and necessity.

The Commission is the lead federal agency for this EIS. The U.S Army Corps of Engineers (COE) and the U.S. Fish and Wildlife Service (FWS) are cooperating federal agencies. A cooperating federal agency has jurisdiction by law or special expertise with respect to any environmental impact involved with the proposal. By agreement with the Commission, a state or local agency of similar qualifications may become a cooperating agency. Accordingly, the New York State Department of Environmental Conservation (NYSDEC), New York State Department of Agriculture and Markets (NYSDA&M), New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), and the Palisades Interstate Parks Commission (PIPC), also are acting as cooperating agencies in preparing this document.

Our principal purposes in preparing this DSEIS are to:

- identify and assess the potential impact on the natural and human environment that would result from the implementation of the proposed project(s);
- assess reasonable alternatives to the proposed action that would avoid or minimize adverse impact on the environment;
- identify and recommend specific mitigation measures to minimize environmental impact; and,
- encourage and facilitate public involvement in identifying significant environmental impact.

This document will address the impact of the projects proposed in the identified applications. For Millennium's Phase I Project, we will address issues related to the proposed new compressor station and the route variations. We will, however, update information about the portion of the approved route between MPs 190.6 and 376.6 related to wetlands, waterbodies, and land use, as appropriate.

1.3 PUBLIC REVIEW AND COMMENT

On January 10, 2006, the Commission issued a Notice of Intent to Prepare a Supplemental Environmental Impact Statement for the Proposed Millennium Phase I Project, Columbia Line A-5 Replacement Project, Empire Connector Project, Algonquin Ramapo Expansion Project, and Iroquois

MarketAccess Project, and Request for Comments on Environmental Issues (NOI). The NOI stated that together, these projects are referred to as the NE-07 Project.

The NOI was sent to about 2,781 individuals and organizations, including affected landowners along the project route and site locations; landowners within one-half mile of the new and modified compressor stations; federal, state, county, and local agencies; elected officials (U.S. representatives and senators, state governors and other local and state representatives); environmental and public interest groups; Native American tribes; local newspapers and libraries; and, other individuals. The NOI was also published in the Federal Register.

The NOI requested written comments on the scope of the analysis for this DSEIS, and also requested federal, state, and local agencies with jurisdiction and/or special expertise regarding environmental issues to cooperate with the Commission in preparation of the DSEIS. In addition, the NOI explained the Commission's review and DSEIS process, provided instructions on how individuals and organizations can participate in the Commission's review process, and directed landowners affected by the project to informational resources to assist them with landowner negotiations with the pipeline company related to acquisition of an easement on their property. In addition, the NOI outlined how to become an intervener in the proceeding.³ A form was provided as part of the NOI for interested parties to request a copy of the EIS. The scoping period ended on February 10, 2006, although the Commission attempted to accept pertinent public and agency comments after this date, to the extent practicable.

The Commission subsequently issued a Notice of Alternative Project Site for the Algonquin Ramapo Expansion Project on March 8, 2006. This notice informed that Algonquin had filed information regarding an alternative compressor station site to the proposed Oxford CS, still located in Oxford, Connecticut, but about one mile east of the previously proposed site, and 0.85 mile east of the Oxford Airport runway. The public scoping period for this alternative site ended on April 7, 2006.

A number of public information meetings were held by the applicant pipeline companies in selected locations near the proposed facilities, to provide the general public with an opportunity to learn more about the project components and to comment on environmental issues to be addressed in the EIS. A number of these meetings were attended by representatives of the Commission, and forms were available at the public meetings for comments and for requests for a copy of the DSEIS. The applicant-sponsored meetings included:

For the Millennium Phase I Project:

- May 26, 2005, in the Town of Big Flats, New York (near the proposed Corning CS); and
- January 26, 2006, in Binghamton, New York (near the NYSEG route variations).

For the Empire Connector Project:

- Between September 9 and 20, 2005, Empire held seven public meetings or open houses throughout the Empire Connector Project region; and,
- In December 2004, Empire held an eighth open house in the area of the proposed Oakfield CS.

³ An intervener has the right to receive copies of case-related FERC documents and filings by other interveners and must also provide copies of its filings to all other interveners. Further, an intervener has certain legal standing with respect to any hearing held by the Commission with respect to any court review of Commission decisions.

For the Algonquin Ramapo Expansion Project:

- December 12, 2005, in Ramapo, New York, for the Ramapo M&R Station Pipeline and Stony Point CS;
- December 13, 2005, in Southeast, New York, for the Southeast CS;
- December 14, 2005, in Southbury, Connecticut, for the Oxford CS;
- December 15, 2005, in Hanover, New Jersey, for the Hanover AGE CS; and,
- March 15, 2006, in Southbury, Connecticut, for the alternative site for the Oxford CS Site.

For the Iroquois MarketAccess Project:

- January 11, 2006, in Dover, New York for the Dover CS;
- January 19, 2006, in Brookfield, New York for the Brookfield CS;
- Iroquois participated in a public meeting held by the Town of Brookfield on February 9, 2006. As part of this meeting, Iroquois provided a presentation and responded to questions from the audience.

The Commission did not hold any formal public scoping meetings for the NE-07 Project due to already having held public scoping meetings in the past for some of the proposed project components, the Commission staff's attendance (hosting a "Commission information table") at a number of the pipeline company-sponsored public meetings/open houses, and the facility with which the general public (including agencies and landowners) were already submitting written scoping comments directly to the Commission.

We received scoping comments from a total of about 215 individuals representing federal and state agencies, counties, municipalities, organizations, and concerned citizens. Of these, about 60 filed form letters. A number of commenters commented several times. In addition, about 362 individuals and/or companies filed requests to intervene, some of which requested to intervene in multiple projects. Tables 1.3-1, 1.3-2, 1.3-3, and 1.3-4 summarize the issues and concerns identified by the commenter and, with the exception of need, identifies the DSEIS sections in which these comments are addressed. Project need is determined by the Commission but is not addressed in this DSEIS.

1.3.1 Identified Issues on the Millennium Pipeline Project - Phase I

A summary of the scoping comments received on the Millennium Pipeline Project – Phase I is provided in Table 1.3-1.

Issue	Comments	EIS Section Where Comment is Addressed
General	Project purpose; project need; alternative routes; need for increased diameter pipe; lack of communication and misleading information from pipeline company; alternate route suggestions; project segmentation/piece-mealing.	1.1, 3.0

Water	Public and private water supplies; septic tanks; flooding; Cintechem contamination in water supply; Indian Kill Reservoir.	4.3
Wetlands	Impacts to wetlands; impacts to ponds that are habitats for tree frogs (peepers).	4.7, 4.4
Soils	Construction/siting on steep slopes; concerns about depth to bedrock.	4.1, 4.2
Vegetation	Tree loss including old trees.	4.5
Land Use and Visual	Hindering proposed development plans; destruction of personal property and buildings; increased width of easements; construction mess; decrease in land values; compensation for land taken; Sterling Forest and Laurel Ridge park nearby; project crossing Tribal lands.	4.8
Wildlife	Loss of animal habitat; timber rattlesnake habitat; box turtles, wood turtles, hawks, owls, salamanders, fox; bird conservation area.	4.4, 4.6
Aquatic life	Potential impact of suspended sediment from waterbody crossings to fish, macroinvertebrates and other aquatic resources; impacts to ponds that are habitats for tree frogs (peepers).	4.3, 4.4
Health and Safety	Impacts to the single road leading in and out of residential community; fire and explosion fears; training for local emergency staff; terrorism fears; detection of gas leaks; construction in seismically active area.	4.1, 4.8, 4.12
Quality of Life	Enjoyment of wildlife; disruption of peace and quiet of area; living in fear of possible emergencies.	4.4, 4.8, 4.12
Air Quality and Noise	Construction noise; air pollutants.	4.11

1.3.2 Identified Issues on the Empire Connector Project

A summary of the scoping comments received on the Empire Connector Project is provided in Table 1.3-2.

**Table 1.3-2
Issues Identified From Comments Received During the Public Scoping Process
for the Empire Connector Project**

Issue	Comments	EIS Section Where Comment is Addressed
General	Alternative sites suggested; inquiry whether future expansion possible; independent inspectors needed.	3.0, 2.7
Wildlife	Impacts of land/tree clearing and new roads on wildlife; bluebird sanctuary adjacent to abutting landowner property; alternate route crosses Watkins Glen State Park which has abundant fishing and wildlife; potential impacts to Indiana bat (a threatened species).	4.5, 4.4, 3.0, 4.6
Land Use and Visual	Alternative route crossing Watkins Glen State Park and associated impacts to recreational fishing, hiking, camping; recreational impacts on Ontario Pathways recreation/hiking trail; farmland issues.	3.0, 4.8
Vegetation	Potential impacts on Leedy's roseroot, clearing of trees used for wind breaks and soil erosion control; concern about compensation for timber value/economic hardship; impacts on land used for horse grazing causing economic hardship; keeping tree canopy intact on Ontario Pathways property; protection of side growth and hedgerows.	4.5, 4.6, 4.2, 4.8
Air Quality and Noise	Influence of wind on noise levels, question whether changing seasons and vegetation levels were included in noise study; question whether air quality test will be distributed to the residents.	4.11
Health and Safety	Training for local Fire and Emergency staff for fire and terrorism issues associated with project; Ontario Pathways hiking trail and construction debris issues; high vehicular impact area; proximity to residences.	4.12, 4.8
Geology and Soils	Soils susceptible to trench wall sloughing and cave-in; soil drainage effects; construction and drainage impacting farmlands; project planning on each farm, erosion hazards on farmlands.	4.2

1.3.3 Identified Issues on the Algonquin Ramapo Expansion Project

A summary of the scoping comments received on the Algonquin Ramapo Expansion Project is provided in Table 1.3-3.

Issue	Comments	EIS Section Where Comment is Addressed
General	Project related to/dependent on Iroquois Project and must be reviewed together; support of Duke Energy and this project; pipeline company did not provide formal notice to all landowners; previous industry accidents noted; alternate sites requested away from homes and schools.	1.0, 2.0, 4.12, 3.0
Health and Safety	Proximity to residences and Whisconier Middle School; zoning at the project site is residential; strong gas odors in the air already; plans for senior home nearby; fire and explosion hazard; hydrocarbons storage and disposal policies/practices.	4.8, 3.0, 4.12
Water Supply	East Branch Reservoir drainage on project site where phosphorous levels are already high; filter-separator and associated hydrocarbon liquids handling facilities pose risk of pollution to ground waters.	4.3
Wetlands	Disturbance of existing wetlands and streams; stormwater runoff; risk of erosion and sedimentation.	4.3, 4.7, 4.2
Soils	Must minimize the extent of new impervious surfaces using a porous alternative to asphalt; erosion issues.	4.2, 4.3
Air Quality and Noise	Adverse impact on air quality by NOXs, VOCs, mercury and particulate emissions released; cancer causing pollutants; constant noise associated with compressor stations.	4.11, 4.12

1.3.4 Identified Issues on the Iroquois MarketAccess Project

A summary of the scoping comments received on the Iroquois MarketAccess Project is provided in Table 1.3-4.

**Table 1.3-4
Issues Identified From Comments Received During the Public Scoping Process
for the Iroquois MarketAccess Project**

Issue	Comments	EIS Section Where Comment is Addressed
General	Project expanded since original approval; pipeline company's prior environmental violations; pipeline company not prepared at meetings; lack of communication from pipeline company; 3 pipelines meet at location; will cause economic hardship; Iroquois maps not accurate; alternative sites requested; questions on further expansion.	1.0, 2.0, 4.8, 3.0
Health and Safety	Proximity to homes and Whisconier Middle School (1,200 population); the area is zoned residential; one access road to site and residential development; freight train line nearby; security and terrorism concerns; fires and explosion hazards; 3 pipelines converging in one area increase the risk and possibly becoming a single point of failure; site is in a "High Consequence Area"; over 30 new homes added to the area since application; Brookfield not equipped to handle a catastrophic accident; electric lines nearby; terrorism concerns; radiant heat flux exposure in the case of an incident; medical problems associated with the gas odor.	4.8, 4.12
Water Supply	Project site on top of a major aquifer.	4.3
Wetlands	Project site near ponds and wetlands including an 11-acre pond nearby; negative impact to aquatic ecosystem.	4.3, 4.4, 4.7
Soils	Contaminants such as PCBs.	4.13
Air Quality and Noise	Noise associated with pumping station and blow-offs; emissions affecting air quality; Iroquois responsibility for odor problems; possible decrease in air quality detrimental to those with health problems; prevailing winds carry emissions to homes at higher elevations; 50-ft. stack at lower elevation may not be sufficient to carry emissions away.	4.11, 4.12
Visual Resources	Brookfield neighbor coalition should be consulted for input on landscaping and other visual issues concerning the nearby neighborhood; increased security lighting affects on area; use of older	4.8

	growth trees requested to provide immediate effect from visual disturbances; 50-ft. stack would be viewed from many residential locations.	
Fish and Wildlife	Fishing ponds nearby; wildlife refuge on 65-acre site; nesting area for many mammals; migratory bird stop.	4.4, 4.6, 4.8
Quality of Life	General deterioration of quality of life; possible increase in homeowners insurance premiums for nearby residences; legal questions of compensation in the case of damages or injuries; will be living in fear; possible decrease in land values.	

1.4 NONJURISDICTIONAL FACILITIES

Under section 7(c) of the NGA, the Commission is required to consider, as part of a decision to certificate jurisdictional facilities, all factors bearing on the public convenience and necessity. The jurisdictional facilities for the NE-07 Project are summarized at the beginning of this section and described in detail in section 2.1. Nonjurisdictional facilities are facilities that the NE-07 Project applicants' market customers or other parties would need to construct to accommodate the gas supplies or other conditions that would result from the NE-07 Project, but that are not under the Commission's jurisdiction (and therefore, would not require the specific review and approval under the Commission's regulations and procedures). Each applicant has identified the nonjurisdictional facilities required in conjunction with their respective proposed project components, as described in the following subsections.

The Commission has adopted a four-factor procedure developed by the COE to determine whether there is sufficient federal control and responsibility over a project as a whole to warrant environmental analysis of related nonjurisdictional facilities. These factors include:

- (1) Whether the regulated activity comprises "merely a link" in a corridor-type project (e.g., a transportation or utility transmission project);
- (2) Whether there are aspects of the nonjurisdictional facility in the immediate vicinity of the regulated activity that affects the location and configuration of the regulated activity;
- (3) The extent to which the entire project would be within the Commission's jurisdiction; and,
- (4) The extent of cumulative federal control and responsibility.

Millennium

Millennium states that Orange and Rockland Utilities (O&R) intends to make modifications to its distribution system in proximity to Line A-5 to ensure that it has maximum flexibility to continue to receive gas from Columbia via Line A-5 during the Millennium construction period. Millennium further states that none of O&R's modifications would connect directly to Millennium's facilities. O&R would relocate about 475 feet of its 4-inch-diameter distribution pipeline that is immediately adjacent to Line A-5 at the Sloatsburg M&R Station (MP 373.3). The line would be relocated about 15 feet from its current location along Line A-5. The Phase I Project would not be constructed to meet the need of O&R, it would not be constructed "but for" O&R. O&R is a Columbia customer and would continue to be a customer of Columbia's after the Phase I Project facilities are placed in service. O&R advised Millennium that it would obtain all necessary permits and clearances for its modifications, and that its facilities (and modifications thereto) are under the jurisdiction of the New York State Public Service

Commission (NYSPSC) (see <http://www.dps.state.ny.us/gasu.html>). Under these circumstances, the Commission does not believe it necessary to apply the four-factor test to determine whether these nonjurisdictional facilities should be considered in its NEPA review process. In particular, (1) its project would not be "merely a link" in a corridor type project as relates to the local distribution system modifications planned by O&R; (2) there would be no aspects of O&R's modifications which would uniquely determine the location and configurations of Millennium's facilities; (3) none of O&R's facility modifications would be under the Commission's jurisdiction but are now and will continue to be under the jurisdiction of the NYSPSC; and, (4) we are not aware of any significant federal control or responsibility that will exist over O&R's facility modifications. Therefore, we believe the Commission's control and responsibility over this nonjurisdictional facility is not sufficient to consider it a federal action in the environmental review.

Empire

Empire states that, with the exception of project facilities that would qualify (for purposes of future modifications, relocation or abandonment) as "auxiliary facilities" under section 2.55(a) of the Commission's regulations, there are no nonjurisdictional facilities associated with the Empire Connector Project.

Based on the definition of nonjurisdictional facilities as those facilities related to the project that will be constructed, owned, and operated by others and are not subject to Commission jurisdiction, Empire noted that local, municipal potable water and sewer services are not available in the vicinity of the proposed Oakfield CS. Therefore, water would be supplied by an onsite well (to be installed), and drinking water may also be supplied to the site by a bottled water vendor. Sanitary wastewater would be disposed of through an onsite septic system or would be pumped for offsite disposal from an underground holding tank (to be constructed). Electricity to the compressor station would be provided by Niagara Mohawk (NiMo), and electrical requirements and system availability will be reviewed as the compressor station design advances. Based on initial coordination discussions with NiMo, the existing power available at Lockport Road would be sufficient to meet the expected electrical needs of the compressor station. Power service would be extended from Lockport Road to the compressor station via new power lines along the proposed access road. Telephone service also would be brought in from Lockport Road along the power poles or supplied by a cellular service.

Empire states that the project would have little or no impact associated with nonjurisdictional facilities for the reasons discussed above; and states that these nonjurisdictional facilities would result in no significant impacts to threatened or endangered species or critical habitats, historic or cultural resources, as discussed in section 4 of this DSEIS. Based on the limited extent and impacts of these non-jurisdictional facilities, the Commission believes that the Commission's control and responsibility over these nonjurisdictional facilities is not sufficient to consider it a federal action in the environmental review.

Algonquin

Algonquin states that there are no non-jurisdictional facilities proposed as a part of or in association with the Ramapo Expansion Project.

Iroquois

Iroquois states that it is not aware of any new non-jurisdictional facilities necessary for its MarketAccess Project to provide the additional transportation service to Con Edison. However, Iroquois states that part of the Brookfield CS work, an electric utility line will need to be extended. During a

meeting with Connecticut Light & Power Company (CL&P), the local electrical utility for the area, CL&P indicated that the power lines on High Meadow Road and adjacent to the proposed compressor station site are adequately sized to provide all of the necessary electrical power to the proposed compressor station. CL&P would extend an underground electrical service from a power pole just outside of the property of High Meadow Road, along the existing fence line, to a transformer just east of the proposed Control Building. As such, no new nonjurisdictional facilities would need to be constructed or special permits obtained to service this facility. In conclusion, overall consideration of the four factors suggests that the Commission's control and responsibility over the identified nonjurisdictional facilities is not sufficient to become a federal action in this environmental review. Nevertheless, construction of these customer facilities and reasonably foreseeable projects related to the proposed NE-07 Project are addressed in the cumulative impacts analysis in section 4.14 of this DSEIS.