

November 26, 2001

Regulatory Branch

SUBJECT: Department of the Army Application Nos. 97-320-0003(2), 1999-00640, 199701186

Mr. Richard Hall
Columbia Gas Transmission Corporation
2150 NY Route 12
Binghamton, New York 13901

Dear Mr. Hall:

This is in reference to the Millennium Pipeline project proposed to cross multiple Section 10 and 404 waterways, located within the States of Pennsylvania and New York.

In accordance with your letter dated July 25, 2001, you proposed to mitigate off-site for the proposed impacts to forested wetlands by purchasing property that includes forested wetlands at two locations; one in Chautauqua County and one in Orange County. You have also proposed to fund research projects associated with pipeline construction through waters of the United States. You indicated that the mitigation ratios required for the Empire Pipeline project were reasonable, particularly if the acreage is based upon the area affected by construction and maintenance. The mitigation required in the Empire Permit was as follows:

- 1) 1:1 acreage replacement of mature wooded wetlands (wetland restoration/creation)
- 2) 2:1 acreage acquisition and permanent protection of mature wooded wetlands
- 3) various research projects on restoration techniques and on various construction techniques

You have also proposed a number of on-site restoration measures (e.g., replanting within the non-maintained portions of forested wetlands, reducing maintenance within 35 feet of streams, monitoring of wetland/stream crossings etc.) which are detailed separately in the Environmental Construction Standards (ECS).

You indicated that there are opportunities for wetland acquisition in the Conewango Swamp area of Chautauqua County

as well as the Black Dirt area of Orange County. However, you did not note the acreages available or the potential for wetland restoration. In addition, your proposal did not specify details for the proposed research projects.

A conceptual mitigation plan is required before we can recommend the issuance of a permit, based upon a review of the proposed impacts to aquatic resources, and to make a finding that the project complies with the Section 404(b)(1) Guidelines. Mitigation will be required for impacts to forested wetlands. Since you have proposed to restore the temporary impacts to forested wetlands located in the non-maintained portion of the right-of-way (ROW) by planting, mitigation will only apply to the permanent impacts to the forested wetlands within the 30 foot portion of the ROW that will be maintained over the pipeline. The following provides a basis for the type of mitigation that should be included in your plan:

a) forested wetland acquisition at a minimum of 2:1 ratio for all forested wetlands that would be impacted (i.e., permanent loss of covertype)

b) forested wetland restoration at a minimum of 1:1 ratio for all forested wetlands that would be impacted (i.e., permanent loss of covertype)

c) various research projects (e.g., tussock sedge crossings, brush mats within wetlands, etc.)

d) stream mitigation (e.g., restoration, enhancement, monitoring, etc.)

The conceptual mitigation plan must include specific details, including data on the acquisition and restoration sites (maps, acreages available for acquisition and restoration, timeframes, etc.). Once this conceptual mitigation plan has been reviewed and approved, then a detailed mitigation plan will be required. The detailed mitigation plan shall include, at a minimum, the following: baseline information, goals of the mitigation, mitigation work plan, success criteria, monitoring plan, contingency plan, site protection, financial assurances, and responsible party for long term maintenance. These terms are defined in the attached sheets labeled Definition of Terms.

The conceptual mitigation plan must also include details pertaining to the research projects proposed, including where they will be conducted as well as a timeframe. You should also include the restoration measures proposed on-site as referenced in the ECS, for a complete mitigation package.

Please respond to the above request for a mitigation plan

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within 30 days of the date of this letter. Without a mitigation plan, we will most likely be unable to make a finding that a permit should be issued.

A copy of this letter has been forwarded to Jennifer Kerrigan of the Federal Energy Regulatory Commission and to Jack Cooper of the New York State Department of Environmental Conservation.

Questions pertaining to this matter should be directed to me at (315) 255-8090, by writing to the following address: U.S. Army Corps of Engineers, 7413 County House Road, Auburn, New York 13021, or by e-mail at:

margaret.a.crawford@usace.army.mil, or to Heidi Firstencel at (518) 273-8593, by writing to: Albany Field Office, 1 Bond Street, Troy, New York 12180, or by e-mail at: heidi.x.firstencel@usace.army.mil

Sincerely,

Margaret A. Crawford
Biologist

Enclosures

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CF:

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Federal Energy Regulatory Commission
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Jack Cooper
New York State Department of Environmental Conservation
Division of Fish, Wildlife, and Marine Resources
50 Wolf Road
Albany, New York 12205-2699