

DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO
ATTENTION OF:

January 28, 1999

Regulatory Branch

SUBJECT: Department of the Army Application No. 97-320-
0003(1)
FERC Docket # CP98-150-00

Ms. Jennifer Goggins
Federal Energy Regulatory Commission
888 First Street N.E., Room 1A
Washington, District of Columbia 20426

Dear Ms. Goggins:

This is in reference to the Preliminary Draft Environmental Impact Statement (PDEIS) for the Millennium Pipeline which is proposed to be located in the States of New York and Pennsylvania with an interconnection at the United States/Canada border in Lake Erie, FERC Docket # CP98-150-000.

The following comments are provided for the development of the Draft Environmental Impact Statement (DEIS). These comments do not preclude separate evaluation by the Department of the Army which will be necessary under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

The U.S. Army Corps of Engineers recommends that the DEIS discuss all temporary and permanent impacts to aquatic resources that could occur as a result of the pipeline crossing multiple waters of the United States, including wetlands. To minimally address potential impacts to aquatic resources the DEIS should include:

1. U.S.G.S. Quadrangle maps depicting the proposed pipeline alignment and all waters of the United States which will be crossed. Appendix B1 depicts the pipeline alignment on quadrangle maps without reference to waters which will be traversed. All wetlands, tributaries, streams, creeks, and rivers should be marked on the quadrangle maps with a "circle" and referenced to the stream and wetland tables in Appendix F and G.

2. Page 3-5 of the PDEIS briefly discusses the Niagara River Alternative. Based on the description of the advantages and disadvantages discussed it would appear that this alternative needs to be more fully developed. The PDEIS indicates that the

Niagara River Alternative will be within existing right-of-way
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for 100% of its length, but would eliminate one business from service. Additionally, it would not require a Lake Erie crossing. Would this alternative avoid new right-of-way construction within Chautauqua, Cattaraugus and Allegany Counties? Additionally, would this alternative avoid unique sensitive areas in Chautauqua County? The DEIS should explore the Niagara River Alternative and address the environmental advantages and disadvantages of this alternative in substantially more detail.

3. Page 2-4 (Section 2.2) requires a revision as to the length of existing and new pipeline right-of-way.

4. The DEIS should include a table categorizing areas along the proposed right-of-way consisting of new right-of-way, existing right-of-way, and sections where the existing right-of-way will be widened. These areas can be referenced by station number. The table will be useful in quantifying impacts to waters of the United States and will facilitate regulatory focus to areas that have not previously been disturbed.

5. On Page 4-22, the PDEIS discusses Endangered and Threatened Species and indicates in several sections that the FWS has not recommended surveys for threatened or endangered species. It should be noted that during the Department of the Army individual permit review period (after a Public Notice is published) the FWS may request surveys or habitat assessments. It is probable that surveys have not yet been recommended because the FWS and NMFS do not have specific localized alignment information to determine whether surveys are warranted.

6. Page 5-18 addresses Major Waterway Crossings. In this section several waterways were not considered feasible for directional drilling because of associated costs, including the Genesee River. If open trenching is the proposed method for crossing the Genesee River, then the DEIS should include detailed drawings and a work description addressing the remediation of the flood control berm along this section of the Genesee River. The Corps of Engineers concurs with the PDEIS recommendation that Millennium directionally drill the Genesee River.

7. The DEIS should compare estimated costs associated with open trenching and directionally drilling all major waterways not discounted due to geology.

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8. The DEIS should include an evaluation of alternative dredging techniques and crossing locations that Millennium has determined not to be feasible for the Hudson River crossing.

9. The DEIS should address the feasibility of directionally drilling all state regulated wetlands and streams.

10. The DEIS should address situations in which existing oil/gas production well collection and distribution pipelines may be encountered along the proposed pipeline alignment, including exposed pipeline segments at stream crossings. The discussion should include maps depicting the location of any known facilities and a contingency plan to protect aquatic and terrestrial resources in the event of a disturbance to these structures.

11. The DEIS should address potential ice scour in Lake Erie and reference supporting documentation used to support a conclusion.

I hope these comments are useful in your development of the Environmental Impact Statement and I look forward to reviewing the DEIS when it is available. Questions pertaining to this matter should be directed to me at (716) 879-4229, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, or by e-mail at: James.P.Pullano@usace.army.mil

Sincerely,

James P. Pullano
Biologist, USACOE
Buffalo District