

DOCKET NO. 134 - An application of Iroquois Gas Transmission System, L.P., for a Certificate of Environmental Compatibility and Public Need to construct, operate, and maintain an Interstate Natural Gas Transmission Pipeline from Sherman to Milford and Long Island Sound.

Connecticut

Siting

Council

October 11, 1990

OPINION

On April 17, 1990, the Iroquois Gas Transmission System Limited Partnership submitted to the Connecticut Siting Council an application to construct, operate, and maintain an interstate natural gas pipeline with the capability to transport 575.9 million cubic feet of natural gas per day through the Towns of Sherman, New Milford, Brookfield, Newtown, Shelton, Monroe, Stratford, and Milford. In analyzing this project, the Council spent two days inspecting the proposed route and alternatives, and held hearing sessions over seven days. Approximately 25 percent of this gas would be distributed within Connecticut, and approximately 17 percent of the pipeline's total length of 369 miles would pass through Connecticut.

We have labored over the assessment and analysis of environmental effects from this proposed pipeline, and our own jurisdiction necessary to regulate this interstate project. The Federal Energy Regulatory Commission (FERC) has the authority and jurisdiction to determine the need and environmental effects associated with the construction and operation of this interstate natural gas transmission line and clearly the federal government will exercise its exclusive jurisdiction in a determination of safety and public need in our State.

Although the FERC has overall jurisdiction for the routing of this interstate natural gas pipeline, we believe this agency has certain residual jurisdiction to ensure that the project would be constructed and operated in Connecticut in an environmentally acceptable manner, without undue significant long-term ecological effects, if it is approved by the FERC.

Under Sections 16-50p of the General Statutes of Connecticut (CGS), in deciding this application the Council has considered the nature of the probable environmental impact, including significant adverse effects, whether alone or cumulatively with other effects on, and in conflict with, the policies of the State concerning the natural environment; ecological balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife. To assure that the location of the pipeline would not pose an undue hazard to persons or property along the area traversed by the line, strict mitigation measures within a strong Decision and Order would be required.

We have expedited our schedule to the greatest extent possible in order to produce a decision that may influence the FERC and be used by that federal agency. This may be Connecticut's last opportunity to influence the federal decision-making process and produce a decision either to reject the route of the pipeline proposal or to refine it in the best possible way to mitigate unacceptable effects.

In general, natural gas is a desirable form of energy because it is relatively economical; reliable; clean burning; not subject to spills as is oil; safe when pipelines are properly engineered, constructed, and maintained; and can be used to replace other forms of fuel without these qualities. Although this gas can leak, would come from a foreign country, and is of unknown price, recent events in the Persian Gulf may make these qualities even more desirable.

With certain conditions, safeguards, limitations, and mitigation measures, this project could be constructed and operated in an environmentally acceptable manner, and can be of benefit to the people of the State. In order to achieve this goal, specific conditions and limitations would be required. These conditions and limitations include:

- o Directional boring under the Housatonic River;
- o Controlled blasting;
- o Erosion and sedimentation control;
- o Location of staging areas;
- o Low compaction construction equipment and techniques;
- o Hydrostatic testing, spill prevention and containment, and spoil placement procedures;
- o Groundwater, waste water, and drinking water system protection;
- o Dewatering procedures;
- o Testing and disposal of contaminated soil; and
- o Scheduling.

Although blasting would be performed under the supervision of a licensed contractor and regulated by the State Fire Marshal, the near proximity of many houses, wells, and the Pootatuck sole-source aquifer are causes for concern and would require additional safeguards.

Because so many adjacent residents rely on private individual wells, individual septic systems, and sole-source aquifers, the construction of this pipeline must not impinge upon any of

these uses. For this reason we would feel it necessary to require pre- and post-construction and blasting surveys to determine and repair any damage.

The pipeline crosses many streams, wetlands, steep slopes, and conservation natural areas. For this reason we would impose the strictest erosion and sedimentation control measures possible that are consistent with the State of Connecticut Guidelines for Soil Erosion and Sedimentation Control. We do not know at this time all detailed specifications for construction. Although we believe exact specifications for staging, construction, maintenance, and testing could be implemented, we will not allow construction to begin until these specifications have been provided to our satisfaction.

The proposed 47.5 mile pipeline would cross many different ecosystems, each with its own unique characteristics and seasons of special concern. For this reason we believe it prudent to impose seasonal construction limitations along sensitive areas of the right-of-way. Of particular concern are crossings of rivers and streams during fish spawning, vegetation clearing during song bird nesting, crossing of agricultural fields during the planting and growing season, the crossing of the Housatonic River during winter flounder spawning periods if directional boring could not be used, blasting and clearing during eagle roosting periods, unavoidable crossings of wetlands during seasonal flooding and wet periods, and the crossing of hiking trails and designated recreational areas during peak usage periods. For these reasons, if the FERC approves the pipeline, the Council will require a detailed schedule subject to its approval which avoids these sensitive areas during each area's period of special concern.

Because Connecticut is densely populated, its natural resources are highly valued by its residents. Consequently, we feel there is little or no latitude to trade these resources away. For this reason, we believe it would be necessary to impose strict limitations on the width of the right-of-way and require minimum distances to certain land uses. Land uses of special concern that would require additional buffer areas and a narrowed right-of-way include areas of residential development, wetlands, natural preserves, state forests, recreational areas, landfills, watercourse crossings, and properties with well and septic systems on them. In addition we believe that coordination with the State Historic Preservation Office would mitigate impacts to archaeological and cultural resources.

Although we understand the public's concern for adequate compensation for the loss of value from intangible values such as aesthetics and safety, and for the loss of direct revenue from agricultural lands, oyster beds, tree farms, and commercial fishing operations along the proposed route, we believe this is a matter between the FERC, Iroquois, private residents, and the courts.

In general, we believe that the proposed route has been planned with public participation to avoid most sensitive environmental and cultural resources. Nonetheless, we see an opportunity for refinement and improvement through the use of several route variations.

Although the FERC is expected to select a route pursuant to its jurisdiction, we believe that several route variations would be preferable. These route variations include:

- o The Smoke Ridge Variation in Sherman;
- o The Stilson Hill Road Variation in New Milford;
- o The Candlewood Mountain Variation in New Milford;
- o The Still River Variation in New Milford;
- o The Jerusalem Hill Road Variation in New Milford;
- o Brookfield Variations 1, 2, and 3 in Brookfield;
- o The Bound Swamp Variation in Brookfield;
- o The Brookfield Meadows Variation in Brookfield;
- o The Algonquin Variation in Newtown;
- o The Newtown Subdivision in Newtown;
- o The Feather Meadow Variation in Newtown;
- o The Deer Ridge Variation in Newtown;
- o The Pootatuck River Variation in Newtown;
- o The DEP Paugussett Variation in Newtown;
- o The Monroe Subdivision Variation in Monroe;
- o The Blakeman Variation in Shelton;
- o The Housatonic Valley Variation in Shelton and Milford; and
- o The Milford Variation in Milford.

The Smoke Ridge Route Variation would be superior in that it crosses the northern edge of the previously disturbed Wimisink Sanctuary wetland rather than crossing through the center of this wetland as would the proposed route. This variation was offered by the residents of the Smoke Ridge Subdivision and the Naromi Land Trust and was agreed upon by parties and intervenors of the proceeding.

In New Milford, the Stilson Hill Road Variation in New Milford

would be superior to the proposed route. This variation would avoid some of the wetlands along scenic Morrissey Brook and make use of an existing cleared road through a forested area. In addition, this variation would place the pipeline farther away from homes and a historic residence by routing the pipeline through cleared pasture land.

The Candlewood Mountain Variation would be the best route to avoid the unnecessary removal of trees on Candlewood Mountain and Pine Knob. Candlewood Mountain and Pine Knob are highly visible recreational areas that should not be scarred for the development of this pipeline project. Although the Candlewood Mountain Variation would require Iroquois to purchase and remove one commercial building and would probably intersect some down-gradient monitoring wells associated with the Kimberly-Clark landfill, we believe these effects can be mitigated and this variation would be well justified in that it would completely avoid traversing the forested Candlewood Mountain and Pine Knob.

We agree with the FERC staff that the Still River Variation is superior to the proposed route because it would avoid construction over an oxbow of the Still River, reduce riverbank clearing, and minimize sedimentation into the Still River and the Still River Meanders Natural Area. We also believe the Jerusalem Hill Road Variation would be superior to the proposed route because this variation would route the pipeline through agricultural fields rather than forested land, and would also avoid rock outcrops, which would require less blasting than the proposed route.

In Brookfield, we concur with the FERC staff and agree that the Brookfield 1, Brookfield 2, and Brookfield 3 and Bound Swamp Variations would be superior to the proposed route in that they would provide a greater distance between the pipeline route and the Still River gorge, avoid wetland areas, a tree farm, and a cemetery. We also believe that the Brookfield Meadows Variation would be superior because this variation would minimize interference with drainage and septic systems of nearby homes.

We agree with the FERC staff that the Algonquin and Newtown Subdivision Variations would be preferable in that they would minimize impact to residential development. In addition, we believe that the Feather Meadow Variation, Deer Ridge Variation, and Pootatuck River Variation offer superior routes in that they avoid wetlands, would be farther from homes, and would minimize river crossings.

We disagree with the FERC staff and the Town of Newtown in routing the pipeline through the Paugussett State Forest. The DEP Paugussett alternative would be superior because it would avoid intrusion into public open space and minimize impact to wetlands. This alternative could be further modified to provide a somewhat larger buffer between existing residential development and could have provisions to prevent unauthorized

access by hunters which was a concern of nearby residents at our hearings. In addition, land compensation by Iroquois could provide new public lands to offset the loss of State Forest acreage.

In Monroe we agree with the FERC staff that the Monroe Subdivision Variation would be superior in that it would minimize impacts to wetlands and existing and proposed residential development.

In Shelton we agree with the FERC staff that the Housatonic Valley Variation would be superior. Although this variation would be slightly longer than the proposed route, it would cross fewer streams, traverse fewer wetland and forest areas, make use of an existing transportation railroad corridor, and avoid the town of Stratford entirely. Impacts associated with this alternative variation would include effects to land uses, possible conflict with the D'Addario landfill, possible impact to two plant species of special concern, possible conflict with a water dependent boatyard on the bank of the river, and possible disruption of a pre-historic Indian village and a Revolutionary War burial site. However, these effects could be mitigated or avoided through special construction techniques such as directional boring under the Housatonic River and minor route modifications.

In Milford, we agree with the FERC staff that the Milford Variation is superior in that it would require less clearing of wooded land, avoid more wetland areas of importance, minimize disruption to the Beard Sand and Gravel Company, be farther from the John F. Kennedy Elementary School, and generally substitute commercial parking lot area for undeveloped area as the pipeline route. Modifications of this alternative as suggested by the City of Milford to avoid wetland areas could be accommodated in a Development and Management (D&M) Plan subject to approval by the Council.

Although we were optimistic that the proposed pipeline could be routed within existing electric and transportation rights-of-way, there was testimony on the record that indicates technical, construction, and safety constraints would prohibit long distance sharing of these rights-of-way.

Because of the size and complexity of this proposed project, we would require a detailed D&M Plan to ensure that the pipeline is constructed as we intend. In addition, the D&M Plan would have provisions for minor route modifications should they become necessary after detailed reconnaissance. Also, a detailed inspection and reporting procedure would be required to ensure that all provisions of the Council's approval pursuant to its Decision and Order and D&M Plan were adhered to.

Based on the foregoing, the Council concludes that a Certificate of Environmental Compatibility and Public Need is warranted for the construction, operation, and maintenance of the proposed Connecticut section of the gas transmission line

and hereby directs that such a Certificate be issued subject to the conditions, D&M plan, specified route and variations, construction techniques, schedule, inspection program, and submittal of permits contained in the Decision and Order that accompanies this Opinion.

4788E