

VERBATIM PROCEEDINGS

UNITED STATES ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT

ALGONQUIN GAS/ISLANDER EAST PUBLIC HEARING

AUGUST 5, 2003

BRANFORD HIGH SCHOOL
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HEARING RE: ALGONQUIN GAS/ISLANDER EAST
AUGUST 5, 2003

1 . . . Verbatim Proceedings of Speakers in a
2 Public Hearing before the United States Army Corps of
3 Engineers, in Re: Algonquin Gas/Islander East Public
4 Hearing, held on August 5, 2003 at 7:10 p.m., at the
5 Branford High School, Branford, Connecticut . . .

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10 MODERATOR LARRY ROSENBERG: Good evening
11 and welcome to this public hearing regarding the permit
12 application submitted by Algonquin Gas Transmission and
13 Islander East Pipeline on the proposed construction of
14 a compressor station in Connecticut and the construction of
15 a natural gas pipeline from Connecticut to New York. My
16 name is Larry Rosenberg, I'm Chief of Public Affairs for
17 the United States Army Corps of Engineers for New England.

18 I will be your moderator and your facilitator this
19 evening.

20 Our Hearing Officer tonight is Colonel
21 Thomas Koning the Commander and District Engineer of the
22 United States Army Corps of Engineers in New England.
23 Should you need copies of the public notice, the hearing
24 procedures or other pertinent information is available at
the registration table. I should point out that the Corps

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1 of Engineers has made no decision regarding the permit
2 application in question.

3 The agenda for the public hearing is
4 following this introduction Colonel Koning will address
5 the hearing. Then the permit applicant will discuss the
6 permit application. I will then review the Corps of
7 Engineers responsibility to this process and explain the
8 hearing procedures. Following that I will open the floor
9 to public comment utilizing our hearing protocol.

10 Before we begin I'd like to remind you of
11 the importance of filling out the green cards that are
12 available at the door. The cards serve two purposes.
13 First, they let us know that you're interested in this
14 permit so we can keep you informed. Secondly, it provides
15 me a list of those who wish to speak tonight. If you did
16 not complete a card, but wish to speak or receive future
17 information regarding this permit, one will be provided at
18 the registration table.

19 For your convenience an additional
20 stenographer is available near the registration area
21 should you wish to provide comment on the record without
22 the impediment of time restriction rather than making a
23 formal presentation. These statements along with any
24 witness statements received tonight receive equal

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1 consideration with those comments presented.

2 One additional comment, we are here to
3 receive your comments, not enter into any discussion of
4 those comments or to reach any conclusions. Any questions
5 that you have should be directed to the record and not to
6 the individuals on the panel. Thank you. Ladies and
7 gentlemen, Colonel Koning.

8 HEARING OFFICER KONING: Good evening. I'd
9 like to welcome you today to this public hearing on
10 request for a permit from the Algonquin Gas Transmission
11 Company and the Islander East Pipeline Company to complete
12 an upgrade to certain Algonquin facilities and to
13 construct a new interstate natural gas compressor station
14 in Connecticut to construct and operate approximately 49.9
15 linear miles of new 24-inch natural gas pipeline
16 commencing from an existing station here in New Haven and
17 terminating in plain power plants in Brookhaven and
18 Calverton, New York.

19 I'd like to thank you for involving
20 yourself in this environmental due process. Please feel
21 free to bring up any and all topics that you feel need to
22 be addressed on and discussed on the record. I assure you
23 that all of your comments will be addressed during this
24 process. I am Colonel Thomas Koning, Commander and

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1 District Engineer for the New England District of the
2 United States Army Corps of Engineers. Our headquarters
3 is in Concord, Massachusetts.

4 Other Corps of Engineers representatives
5 with me tonight include Bob Assista (phonetic), right here
6 my Chief of Permits in the forestry section for our
7 regulatory office. Cori Rose the Project Manager for this
8 specific permit. Joe MacNamara, out in the audience from
9 our Office of Counsel, and you already met Larry Rosenberg
10 who is facilitating our public hearing.

11 Tonight's hearing is being conducted as
12 part of the Corps of Engineers regulatory program solely
13 to listen to your comments. I would like to briefly
14 review the Corps of Engineers' responsibilities in this
15 process.

16 First, the Corps jurisdiction in this case
17 reside in Section 404 of the Clean Water Act that
18 regulates the discharge of fill material in the waters of
19 the United States to include wetlands. And in Section 10
20 of the Rivers and Harbors Acts, which authorize the Corps
21 to regulate structures and work in navigable waters of the
22 United States.

23 A second detailed regulations that explains
24 our procedures for evaluating permits of this sort and

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1 applications is located in Title 33 of the Code of Federal
2 Regulations parts (indiscernible).

3 And thirdly, the decisions of the Board
4 rest upon several important factors and those factors
5 include in accordance with the Federal Clean Water Act the
6 project must comply with Federal (indiscernible)
7 Guidelines, which are the Federal Environmental
8 Regulations covering the water to wetlands. In accordance
9 with those regulatory statutes and authorities our
10 decision to issue a permit will be based on evaluation of
11 the aqua impact activity on the public interest. Our
12 decision will reflect the National concern for both
13 protection and utilization of our Nation's water
14 resources.

15 The benefits that may reasonably approve
16 from this proposal must be balanced against the reasonably
17 foreseen detriments. In accordance with the National
18 Environment Policy Act any project that significantly
19 impacts the environment must have an environmental impact
20 statement. In this case, the Federal Energy Regulatory
21 Commission, known as FERC, is the leading Federal agency
22 for that environmental impact statement.

23 All factors which may be relevant to the
24 proposal will be considered prior to our making a decision

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1 to approve or deny the permit. And those factors include,
2 but are not limited to, conservation, economics,
3 esthetics, impacts to the environment, fish and wildlife
4 values, navigation, recreation, water supply, food
5 production and in general the need and welfare of the
6 people of Connecticut and of the people of the United
7 States.

8 Lastly, Federal law requires the Corps can
9 only issue permit to the least environmentally damaging
10 practicable alternative. The Corps must evaluate
11 alternatives to avoid or minimize impacts on water and
12 wetlands of the United States. There are two basic parts
13 of the final selection process. First, an analysis is
14 conducted to -- of all the available alternatives to
15 determine practicability. Second, the final alternative
16 must be the least environmentally damaging.

17 In determining practicability the Corps
18 considers factors such as cost, safety, technical
19 feasibility and community impacts. If these types of
20 impacts are severe the Corps may rule out alternatives
21 even if they are less environmentally damaging. However,
22 once a pool of practical alternatives are determined the
23 Corps can then only permit the least environmentally
24 damaging alternative on the waters and wetlands of the

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1 United States.

2 In accordance with the President's policy
3 of cost to wetlands we strive to mitigate for unavoidable
4 impacts. Subsequent to any determination of the least
5 environmentally damaging practical alternative the Corps
6 conducts a broad policy based review. This hearing is
7 part of that review. All facets effecting the public will
8 be included in our evaluation and that's what your
9 comments tonight will help us reach the appropriate
10 decision.

11 A record of this hearing will remain open
12 and written comments may be submitted tonight, or by mail,
13 until August 15th, 2003 and all comments will receive equal
14 consideration with anything that is said here this
15 evening. And again, as Larry mentioned, to date no
16 decision has been made by the Corps of Engineers in regard
17 to this permit. It is my responsibility to evaluate both
18 the environmental and socioeconomical impacts prior to
19 making a decision. In order to accomplish that, that's
20 why we're asking for your input.

21 You are critical to this process, that your
22 voice be heard, and I think you for taking your time to be
23 here tonight to be a part of the process.

24 MODERATOR ROSENBERG: Thank you sir.

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1 Ladies and gentlemen, if you need to take your jackets
2 off, please, it's kind of warm. We'll call that the Tom
3 Koning diet plan. Ladies and gentlemen, representing the
4 Applicant, Mr. Joe Reinemann.

5 MR. JOE REINEMANN: Good evening. My name
6 is Joe Reinemann and I'm the Environmental Project Manager
7 for Islander East Pipeline Company. I'm here tonight to
8 present the project overview before we hear public
9 comment.

10 As a lot of you are aware the Islander East
11 Pipeline Project involves the transportation of 260,000
12 dekatherms of natural gas per day via a second separate
13 pipeline to Long Island. The Islander East project will
14 provide a new competitive clean burning supply of fuel and
15 ensure greater volume flexibility to the energy
16 infrastructure of the northeast.

17 The project's facilities constitute
18 approximately 50 miles of 24-inch interstate natural gas
19 pipeline, buried steel pipeline. That includes about 10.2
20 miles of piped new construction on land in Connecticut.
21 Approximately 11 miles of offshore pipe in Connecticut
22 waters of Long Island Sound. Approximately 11.6 miles of
23 offshore pipe in the State waters of New York and Long
24 Island Sound and 17 miles of underground pipe on land on

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1 Long Island.

2 Additionally, there is one compressor
3 station proposed for the project in Cheshire, Connecticut.

4 The map behind me gives you a feeling of the geographic
5 context of the project from the compressor station site in
6 Cheshire, Connecticut and then the new construction along
7 Connecticut beginning in North Haven proceeding along
8 existing Algonquin pipelines there, to the point where it
9 joins the existing Tilcon or Branford Steam Railroad in
10 North Branford.

11 A little project background. Islander East
12 applied to the Federal Energy Regulatory Commission, or
13 FERC, in June 2001. FERC issues a preliminary
14 determination, which is a confirmation of need in December
15 2001. FERC then issued a certificate for the project in
16 September 2002. In January and February 2003 the New York
17 -- State of New York issued coastal zone management
18 consistency and Section 401 water quality certificates for
19 the project respectively. We're currently working for an
20 in-service date for the project in November 2004.

21 I wanted to touch on some changes to the
22 project from the application that we filed with FERC to
23 the project that was finally certificated by FERC. I'm
24 going to run through briefly just three variation, two of

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1 them are in Connecticut, one of them is in Long Island.
2 The first route variation is referred to as the
3 Marshalling Yard Variation. To get you oriented, this is
4 Pleasant Point -- Pleasant Point and Tilcon Branford Steam
5 Railroad has a multi-track Marshalling Yard staging area.

6 The original proposal had pipeline coming down the east
7 side of the tracks, as you see there, and then crossing
8 Pleasant Point Road at that point and then cutting back
9 over to the other side of the tracks.

10 The project has been modified to include a
11 cross over north of that Marshalling Yard area and then
12 parallel to the Marshalling Yard to the west side of the
13 track. The effect of that cross over is that it
14 eliminates about 1,000 feet of forested wetland crossing
15 and decreases the project wetland impacts by about three
16 acres.

17 The second route variation that I want to
18 run through in Connecticut is referred to as the Goss Pond
19 Variation. To get you oriented again, this is the Amtrak
20 Railroad right up there, and obviously Juniper Point right
21 there. At this point the pipeline is proposed to parallel
22 the Branford Steam Railroad on the west side of the tracks
23 and then deviate from that location at this point. The
24 purpose of that is to avoid a small pond. The variation

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1 involves not deviating, staying close to the railroad and
2 crossing the pond, the pipe would be installed beneath the
3 pond. The effect of that is it decreases the impact on
4 the Branford Land Trust and the slopes in that area.

5 Very briefly, there's one route change in
6 New York and that's for a lateral facility, which is
7 referred to as the Calverton Lateral. We originally filed
8 that parallel to State Route 25A. We also evaluated an
9 alternative for that along State Route 25. During the
10 environmental review process Federal Energy Regulatory
11 Commission determined that Route 25 alternative was
12 preferable to the route that we proposed.

13 I'm going to now just briefly talk about
14 the offshore construction map that we are proposing. Both
15 the Connecticut landfall and the New York Long Island
16 landfall would be installed using horizontal directional
17 drilling. Conventional dredge construction would be used
18 from the HTB exit point offshore to a depth of 20 feet.
19 From 20 feet and deeper Islander East is proposing to use
20 a subsea plow installation.

21 Islander East has also made modifications
22 to the offshore construction measures originally proposed
23 based on feedback received from State agencies. The
24 modifications, I'm going to start first pertain to this

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1 project area offshore in waters less than 20 feet. The
2 goal of those modifications were to reduce sedimentation,
3 sediment dispersion and minimize impacts to the benthic
4 environment and to protect water quality. The
5 modification involves limiting sidecasting spoil from the
6 HDD exit area and the dredge section. The effect of that
7 modification is two-fold. First, it eliminates the direct
8 impact from the footprint of the spoil adjacent to the
9 trench decreasing the actual project area disturbed.
10 Secondly, it prevents the spoil from being subject to wave
11 erosion and deposition on the adjacent seafloor and
12 shellfish bed. The effect of that modification is a 90
13 percent decrease in footprint impact for the Connecticut
14 near shore area.

15 As we developed these modified methods
16 Islander East conducted sediment modeling to evaluate the
17 various scenarios that we're trying now. It confirms that
18 we're getting the results that we want. In doing that we
19 used a sediment model developed by the Corps of Engineers
20 and the net result of that modeling when we looked at the
21 modified methods shows that based on the modeling the
22 sedimentation will be minimal and would approach
23 background levels.

24 The other construction modifications that

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1 we put forward pertains to part of the project offshore,
2 which is 20 feet deep -- 20 feet or deeper water. Again,
3 that's the subsea plow section. After looking at the
4 results of the data collection and talking with
5 contractors we determined we would be able to eliminate
6 one of four installation passes, decreasing the impact of
7 the deeper installation by about 20 percent.

8 In addition to the construction
9 (indiscernible) develop mitigation measures to protect
10 other resources. Specifically, Islander East arranged for
11 pre-construction harvesting of all these shellfish beds by
12 the leaseholders prior to construction. We have also
13 arranged for post-construction reseeded of those
14 shellfish beds to hasten the restoration after the pipe is
15 installed. Additionally, we have developed a program to
16 relocate lobstermen's gear using licensed lobstermen to do
17 that and we've establish a gear compensation fund for any
18 lobstering gear that's lost or damaged as a result of
19 construction. And then finally we'll be coordinating all
20 of our construction with the United States Coast Guard.

21 As we developed the project we've also
22 heard concerns about certain issues and I just want to
23 speak very briefly about some of those. Industrial
24 corridor along the pipeline route. In actuality, the

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1 pipeline is going to be buried after it's installed and
2 the right of way is going to be restored. The pipeline
3 will parallel an existing Algonquin pipeline and a
4 railroad.

5 Degradation of open space in Branford. In
6 fact, the trail access of one point will be temporarily
7 disturbed during construction and the Branford Land Trust
8 properties we have developed site specific construction
9 restoration packages for each of those parcels.

10 Additionally, permanent offshore impact.
11 Well, construction will result in a temporary impact and
12 will not destroy permanently the sea floor. We've heard
13 about contaminated sediments and in fact Islander East has
14 conducted site-specific sediment analysis submitted that
15 to laboratories which confirmed that no contaminants
16 exceed regulatory threshold levels.

17 Impact to shellfishing. The project has
18 been planned, both in the construction of timing and/or
19 restoration standpoint to minimize impact to shellfishing
20 resources. And lastly, safety. The pipeline is the
21 safest mode of energy transportation available.

22 The project does have benefits. Islander
23 East will provide additional capacity and reliability to
24 Connecticut's gas companies. Islander East will make

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1 additional gas available for use in Connecticut power
2 plants and will enhance the reliability and security of
3 the regional gas supply system. Islander East will also
4 make exporting electricity from Long Island to southwest
5 Connecticut feasible. Natural gas-fired generation will
6 result in cleaner air for us in Connecticut and Long
7 Island. And lastly, Islander East will bring \$46,000,000
8 to the local Connecticut economy and create 300 jobs
9 during construction and provide ongoing tax revenues
10 during operation.

11 In summary, FERC has determined the need,
12 evaluated alternatives and certified the route. They have
13 concluded that the project is environmentally acceptable
14 as conditioned and Islander East has since then decreased,
15 in fact, we've modified the methods I've just described.
16 Thank you.

17 MODERATOR ROSENBERG: Thank you. Ladies
18 and gentlemen, I would ask that there be no applause
19 during this hearing? Ladies and gentlemen, it is crucial
20 for this public process that your voice is heard and we're
21 here to listen. We'll listen to your comments, understand
22 your concerns and provide you an opportunity to put your
23 thoughts on the record should you care to do so. The
24 hearing conducted will be conducted in a manner that all

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1 who desire to express their views will be given an
2 opportunity to do so. To preserve the right of all to
3 express their views I ask that there be no interruption.

4 Furthermore, in order to make any decisions
5 regarding this permit application, we, the United States
6 Army Corps of Engineers, need to have you involve yourself
7 in this environmental permit review, not just tonight, but
8 throughout the entire process. When you came in copies of
9 the public notice and the procedures to be followed at
10 this hearing were available. If you did not receive these
11 those are available at the registration desk. I will not
12 read either the procedures or the public notice, but they
13 will be entered into the record.

14 A transcript of this hearing is being
15 prepared and the record will remain open and written
16 comments may be submitted tonight or by mail until August
17 15th, 2003. All comments will receive full consideration.
18 Anyone who cannot attend, but wishes to send to written
19 comments should forward those comments to our headquarters
20 in Concord, Massachusetts.

21 Lastly, I'd like to reemphasize that the
22 Corps of Engineers has made no decision regarding this
23 permit. It is our responsibility to fully evaluate the
24 Algonquin Gas Transmission and Islander East Pipeline

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1 proposed activity and it's impact prior to our decision.
2 And in order to accomplish that we need your input.
3 Again, we are here to receive your comments and not to
4 enter into discussion of those comments or reach any
5 conclusion. Any questions you have should be directed to
6 the record and not to the individuals on the panel.

7 Colonel Koning, if there's no objection I
8 will now dispense with the reading of the public notice of
9 this hearing and have it entered into record. Thank you
10 sir.

11 A transcript of this hearing is being made
12 to assure details of people's comments. A copy of this
13 transcript will be available at our Concord, Massachusetts
14 headquarters, on our web site for your use, or you may
15 make arrangements with the stenographer for a copy at your
16 own expense. Individuals speaking today will be called to
17 the microphone in the order they signed in and as provided
18 for by our hearing protocol that was distributed and
19 posted in the reception area.

20 When making a statement please come forward
21 to one of the microphones on either side, state your name
22 and the interest you represent. As there are many who
23 wish to provide comments, all with the exception of those
24 represented, U.S. Senators or U.S. Representatives in the

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1 House of Congress will receive two minutes to speak, no
2 more.

3 The traffic signal in front of you will
4 indicate the following. The green light will come on as
5 soon as you introduce yourself and will indicate that two
6 minutes are remaining. The amber light indicates one
7 minute left and the red light of course means that your
8 time has expired. Please identify if you're speaking for
9 or representing a position of an organization. If you're
10 speaking for yourself, say so. And I propose getting all
11 who wish to speak will have the opportunity to do so.
12 Should we run out of time this evening, as there are many
13 that have signed up, those who have signed up will be
14 contacted individually by the Army Corps of Engineers in
15 the very near future and future arrangements will be made
16 to provide you access to an additional hearing.

17 Once again, we have an additional
18 stenographer located outside of the hearing room should
19 you wish to dictate your individual statement for the
20 record. There are no time limits on that -- on those
21 statements. We will now begin to receive your comments
22 according to the hearing protocol. Again, oral or written
23 statements receive equal consideration in making our
24 decision. If you have a written statement, summarize it

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1 to fit the two-minute limitation and enter the entire
2 statement for the record.

3 The first individual will be Allison Dodge
4 who is representing U.S. Representative Rosa DeLauro.

5 MS. ALLISON DODGE: Good evening. My name
6 is Allison Dodge. I'm with Congresswoman Rosa DeLauro's
7 office and I'm here to submit comment on behalf of the
8 Congresswoman regarding the Islander East proposal.

9 MS. ROSA DeLAURO: "Good evening. First
10 let me thank the U.S. Army Corps of Engineers for
11 providing this opportunity to voice our concerns with the
12 proposed natural gas pipeline presented by the Islander
13 East Pipeline Company. The many residents and concerned
14 citizens you will hear from this evening have invested
15 countless hours in research and review of this proposal.
16 Their concerns must be addressed by the Federal and State
17 regulatory agencies who will determine whether this
18 pipeline is allowed to be constructed as it is currently
19 proposed.

20 Simply stated, I am opposed to the
21 construction and installation of the Islander East
22 pipeline. In the two years since the company first
23 submitted their proposal, I have become increasingly
24 concerned about the route through which they plan to run

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1 the pipeline. Not only does this proposal have negative
2 impacts on the communities through which it will be
3 buried, but I believe it will have grave impacts on the
4 delicate ecosystem of the Long Island Sound.

5 Since the inception of the Clean Water Act
6 in 1972, investments in water pollution control programs
7 have led to great improvements in the water quality of
8 Long Island Sound. Ten percent of our country's
9 population lives within 50 miles of the Sound. A healthy
10 Sound is critical to our economy and our quality of life.

11 When we look at the continuing impact of the cross-Sound
12 pipeline that already exists, we as a community and a
13 State, are weary of any additional harm that may come with
14 the installation of another pipeline.

15 Connecticut's shoreline communities and the
16 Long Island Sound, particularly the Thimble Islands and
17 associated shellfisheries in this area, represent an
18 enormous cultural, historical and economic value to our
19 State. The drilling and trenching activities associated
20 with the proposed pipeline will endanger the local
21 environment and the Sound as a whole.

22 The State of Connecticut has and continues
23 to work hard to ensure that we have an adequate, reliable
24 energy supply. While I understand and appreciate the

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1 benefits to additional energy resources, I cannot support
2 a proposal that will have such negative impacts on our
3 communities and provides no benefit to our State.
4 Solutions to our neighbor's energy needs cannot be made at
5 the expense of the State of Connecticut and the Long
6 Island Sound.

7 The U.S. Army Corps of Engineers, as a
8 Federal regulatory body, has a responsibility to ensure
9 that projects such as these are routed and constructed in
10 a way that will cause the least environmental damage.
11 With the implication of such drastic impacts to our
12 environment, I must believe that there is an
13 environmentally preferable option. I would urge the Corps
14 to be vigilant and thorough in their review of this
15 proposal. I believe that you will find that you must deny
16 the applicant's request for further regulatory permits.

17 Thank you for your time and consideration
18 of my comments."

19 MODERATOR ROSENBERG: Thank you. The next
20 speaker will be Scott Jackson, representing Senator Joe
21 Lieberman.

22 MR. SCOTT JACKSON: Good evening. I am
23 Scott Jackson, Deputy State Director for Senator Joe
24 Lieberman and I'm here to share a letter co-signed by

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1 Senator Christopher Dodd, Congresswoman Rosa DeLauro and
2 Senator Lieberman. It is addressed to Colonel Koning.

3 "We are writing today in regards to the
4 Islander East Pipeline project, which proposes the
5 construction and installation of a 24-inch diameter
6 natural gas pipeline from Cheshire, Connecticut through
7 five communities and across the Long Island Sound to
8 Brookhaven and Calverton, New York. Islander East, LLC
9 will be required to obtain a permit from the U.S. Army
10 Corps of Engineers in order to move forward with
11 construction.

12 As you may be aware, serious concerns have
13 been raised about the significant environmental impacts
14 this project will have on the Connecticut shoreline
15 communities and the Long Island Sound. After thorough
16 review, the Connecticut Department of Environmental
17 Protection, DEP, again determined that the project was not
18 consistent with the State's Federally approved Coastal
19 Zone Management Program, CZMP. The DEP found that even
20 with the company's proposed changes to their installation
21 that the construction and installation of this pipeline
22 would have negative impacts on water quality, shellfish
23 habitat, water-dependent use and tidal wetlands.

24 The Connecticut's CZMP was designed to

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1 balance national energy interests with the protection of
2 Connecticut's environment. The Islander East proposal
3 simply does not meet the basic standards, which have been
4 set to facilitate this balance. In addition to the DEP's
5 objections the Islander East project has also been
6 reviewed by several Federal agencies in accordance with
7 the National Environmental Policy Act and Clean Air. To
8 date both the United States Environmental Protection
9 Agency and the United States Fish and Wildlife Service
10 have expressed numerous concerns with the proposed
11 project.

12 The proposed drilling and dredging
13 activities associated with the pipeline threaten
14 irreparable harm to the ecology of the Long Island Sound
15 and our shoreline communities, which represent enormous
16 cultural and historical significance to our State. While
17 Islander East has proposed a number of mitigation efforts
18 we do not believe that they will sufficiently protect the
19 Long Island Sound and the surrounding communities from the
20 potential damage caused by the Islander East pipeline.

21 Ten years ago Iroquois Gas installed a
22 natural gas pipeline across the Sound and as a result we
23 have yet to see the full restoration of the Sound bottom.
24 The negative impacts on the Sound's delicate ecosystem

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1 have translated into economic impacts for our shell and
2 fin fishermen. When we look at the continuing impacts of
3 the Cross Sound natural gas pipeline that already exists
4 we are very wary of any additional harm that may come with
5 the installation of another pipeline.

6 The U.S. Army Corps of Engineers, as a
7 Federal regulatory body, has a responsibility to ensure
8 that projects such as these are routed and constructed in
9 a way that will cause the least environmental damage. We
10 trust that the Corps will be vigilant and thorough in
11 their review of this proposal and strongly urge you to
12 deny the Applicant's request for further regulatory
13 permits.

14 We appreciate your consideration in this
15 matter and we look forward to a response. Sincerely
16 Christopher J. Dodd, U.S. Senator; Joseph I. Lieberman,
17 U.S. Senator; Rosa DeLauro, Member of Congress."

18 MODERATOR ROSENBERG: Thank you sir. Our
19 next speaker, Michelle Gilman, representing Senator
20 Christopher Dodd.

21 MS. MICHELLE GILMAN: Thank you and good
22 evening. I'm Michelle Gilman and I'm representing Senator
23 Christopher Dodd. Thank you very much for permitting me
24 to speak. My remarks will be brief.

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1 "I wanted to thank the Army Corps of
2 Engineers for holding this important hearing.
3 Unfortunately, my schedule does not permit me to be with
4 you in person. However, I want to convey my opposition to
5 the Islander East pipeline.

6 For several years I have received numerous
7 letters, telephone calls and emails from constituents
8 describing their concerns regarding the Islander East
9 proposal. Many citizens have asserted that the drilling
10 and dredging activities associated with the proposed
11 pipeline will be destructive to the local environment and
12 will harm the waters and fisheries of Long Island Sound.
13 I wholeheartedly concur and over the past two years have
14 joined with members of our Congressional delegation in
15 writing to various Federal agencies urging a halt to this
16 ill-advised proposal.

17 Long Island Sound is a jewel in our region
18 and we have made significant strides in its restoration.
19 Through the cooperative effort of concerned individuals,
20 organizations, and the State of Connecticut, the ongoing
21 cleanup of Long Island Sound is one of the most successful
22 efforts under the National Estuary program. To go forward
23 with the pipeline at this time would do irreparable harm
24 to Long Island Sound and the region's economy. Further,

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1 the natural gas pipeline will not solve any pressing
2 energy needs in Connecticut.

3 Simply put, the proposal does not meet the
4 basic standards of the Coastal Zone Management Program,
5 which is designed to balance National energy interests
6 with the protection of Connecticut's environment.
7 Decisions we make today will have an impact on the quality
8 of our air, water and land for years to come.

9 Just last week, the Connecticut Department
10 of Environmental Protection rejected the Islander East
11 pipeline proposal for a second time. I thank our DEP for
12 its diligent evaluation as the company's modified plans
13 would still cause significant harm to the waters of Long
14 Island Sound. Finally, I especially want to thank those
15 Connecticut residents who have given their time and
16 commitment to keep this issue in the spotlight.

17 I urge the Army Corps of Engineers to
18 oppose the Islander East natural gas pipeline proposal.
19 Thank you."

20 MODERATOR ROSENBERG: Thank you very much.
21 The next speaker is Robert Fox who will read a statement
22 from Congressman Christopher Shays.

23 MR. ROBERT FOX: My name is Robert Fox and
24 I live at 15 Long Point Road in Stony Creek and I'm

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1 privileged to read this statement from the Honorable
2 Christopher Shays, who is a U.S. Congressman for the 4th
3 District of Connecticut. The letter is addressed to Ms.
4 Cori Rose, Regulatory Commission, Army Corps of Engineers.

5 "Dear Ms. Rose. I am writing to express my
6 opposition to the Islander East Pipeline Company's request
7 for a permit for a natural gas pipeline across Long Island
8 Sound. While natural gas may lead to better air quality,
9 the scale of disruption that will occur if this proposal
10 goes forward makes the Islander East proposal untenable.

11 In many ways, Long Island Sound has come a
12 long way in the last decades, but as recent events,
13 including the still-unexplained lobster die-off, have
14 compelled us to remember, the Sound's health is extremely
15 precarious.

16 The concerns raised about this proposed
17 project by the Environmental Protection Agency and Fish
18 and Wildlife Service have not been adequately addressed.
19 And the finding of the Connecticut Department of
20 Environmental Protection that this is inconsistent with
21 the Coastal Zone Management Program, surely the
22 understatement of the year when describing a 23-mile scar
23 across the heart of the Sound must not be ignored.

24 We've learned from the installation of

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1 Iroquois' existing pipeline in 1991 that damage to the
2 Sound is both cumulative and permanent. The Sound cannot
3 afford that kind of damage. We simply will not have a
4 world to live in if we continue our neglectful ways.

5 While it is important we have sufficient
6 power to meet increasing demands for electricity, our
7 paramount concern has to be protecting the irreplaceable
8 and fragile Long Island Sound ecosystem.

9 Sincerely, Christopher Shays."

10 MODERATOR ROSENBERG: Thank you sir.
11 (begins speaking before tape) two minute limitation and a
12 reminder that there is a stenographer available in the
13 rear out by the registration area and you may proceed to
14 give statement without the impediment of time
15 restrictions. The next speaker will be Senator G.L.
16 Gunther -- State Senator G.L. Gunther. Followed by State
17 Senator Bill Aniscovich.

18 SENATOR GEORGE GUNTHER: May I sit here
19 rather than stand? The reason I say that, I'm a little
20 bit handicapped, not really, but -- can I give a little
21 bit of my background without cutting into my two minutes?
22 I think I've earned a little bit of that.

23 Well, my whole life has been on Long Island
24 Sound since I was 10 months old. My father was a

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1 (indiscernible) who had a family (indiscernible) and that
2 type of thing. I go back 37 years as a State Senator. I
3 authored the Tidal Wetlands Law in 1969. I co-authored --

4 MODERATOR ROSENBERG: Hold the applause.

5 SENATOR GUNTHER: -- don't take the time
6 off of me. Anyway, I co-authored the Inland Wetlands Law.
7 I have done the major law changes that related to
8 fisheries, shell fisheries, that type of thing over these
9 37 years. I've had 30 years in the Atlantic States Marine
10 Fisheries Commission, which I think qualifies me to be a
11 little bit more than just another person around here
12 giving you hell.

13 I am thoroughly concerned that the process
14 here as far as the hearing tonight. I've been through this
15 process. But I'd like to take -- I have some long letters
16 between the Siting Council, the U.S. Corps of Engineers,
17 FERC -- you name it and I've got it. I've gotten more
18 letters and I wish you'd take them and get them in one
19 spot and then give me the numbers of the replies I've
20 gotten over those letters.

21 I tell you, I have no idea if it was ever
22 recorded as sending a statement in and you have to make an
23 exception with Ms. Cori. She at least called me up and
24 told me they got my letter. But I got a hell of a lot of

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1 correspondence in all of these areas.

2 And for the past three years I have covered
3 practically every one of the attempts to take the gas
4 pipes and cables whether it's been Islander East or the
5 Cross Sound Cable and even Northeast Utilities down in
6 Norwalk. There's a tremendous amount of background we
7 have in this whole area that has never -- I don't know
8 that it's ever been put on the deck by the people who
9 participated, because I haven't been in on those meetings.

10 We don't have the time as Legislators to be constantly at
11 every hearing that goes on in the State. And I can tell
12 you we've put an awful lot of time in on this crossings
13 that you have here now.

14 Long Island Sound is classified as one of
15 the three major bays of the United States, of national
16 significance. It's a glacial lake that opened up and all
17 of us, any of us that have been involved for any period of
18 time will tell you, you ain't going to nothing out there
19 where you tear up the bottom of that harbor and put it
20 back the way it was before. All I can tell you, there is
21 tons of documentation -- in fact, the past year and a half
22 we've had a study going on in the last year, a task force,
23 and we've developed 28 maps on plot planning the entire
24 State of Connecticut and Long Island Sound. I daresay

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1 that your Commission, nor the other Commissions, nor the
2 Siting Council has considered all that material.

3 I say that's something -- that if you did
4 nothing else but sat down at this point and review it, I
5 have a statement that I put in, I've augmented that
6 statement with a couple of exhibits to give you a piece of
7 what we have out there that ought to be included in this
8 whole process.

9 I think that we -- so you don't shut me off
10 at some point, I see that red light, and jeez I get a
11 little sick of seeing the red lights on the highway
12 without coming to a meeting and getting it. Alright?

13 All I can tell you is there is a lot of
14 material that I'd like to take and sit down, not in this
15 type of forum. I think that us Legislators put enough
16 time into this and work our little butts off in order to
17 get in here should at least get the courtesy of coming in
18 and sitting down, man to man. I don't tell you to have
19 300 people in a hall, I think you can be selective about
20 it.

21 I can give you four names of people who I'd
22 like to have sit down and dialogue with you on a technical
23 basis. People like John Rowland, he was involved in this
24 State, but we had people like Ralph Lewis, our State

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1 Geologist. Incidentally, the State Geologist, I was
2 shocked back two years ago, nobody ever told the man to
3 give testimony. Now he's -- both these guys are retired
4 now, so they don't worry about -- even worry about the
5 monkey on their back working for the State, okay?

6 The third guy I'd like to see, Harry
7 Beckworth (phonetic), who was the head of -- who was the
8 head of Fisheries for years. And they're saying -- now
9 retired-- but a real dialogue. So I say -- and I know
10 that red light's been on --

11 MODERATOR ROSENBERG: There are over 100
12 people who wish to speak tonight.

13 SENATOR GUNTHER: I know, but I --

14 MODERATOR ROSENBERG: -- and we appreciate
15 it, so please tie it up. We'll follow up. The next
16 speaker is will be --

17 SENATOR GUNTHER: -- may I please -- three
18 things and I'll make it real pretty for you. Everybody's
19 talking about, is there an alternative, and they say, no.
20 I'll tell you there's an alternative that will not go
21 across Long Island Sound that you didn't have in your maps
22 when you had your public hearings, because I was at the
23 hearings.

24 There's a corridor that's been established.

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1 The FLAG-Telecon corridor that goes all the way from
2 Northport to Montauk Point and you have just -- the FERC
3 has just approved the East Chester plot of Iroquois, which
4 gives you a 24-inch gas line going all the way into the
5 Bronx. That's a corridor that goes from the Bronx to
6 Montauk Point, which nobody has ever taken and considered.

7 I brought this to the FERC. Now --

8 MODERATOR ROSENBERG: Senator. Senator.
9 I'm sorry, we really must hear the public's comments also.

10 I thank you very much and our next speaker is State
11 Senator Bill Aniscovich.

12 SENATOR BILL ANISCOVICH: Thank you. I
13 want to thank Senator Gunther, especially for his
14 leadership on this issue, even if he is a bit longwinded,
15 but we love him, and my other colleagues for being with us
16 here tonight.

17 My name is Bill Aniscovich, and I'm a State
18 Senator from the 12th District. My district includes the
19 towns of East Haven, Branford, Guilford, North Branford
20 and Madison. I served in the General Assembly for 13
21 years and I've lived my entire life in the town of
22 Branford and I'm here not only as the State Senator from
23 Branford, but also as a resident of a neighborhood that
24 will be directly impacted by this proposal.

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1 I'm here tonight to state for the record my
2 complete and unequivocal opposition to your granting a
3 permit to the proposal by Islander East to build a new 24-
4 inch diameter pipeline from an existing gas transmission
5 facility in North Haven through the towns of North Haven,
6 East Haven, North Branford and Branford.

7 In addition to the obvious environmental
8 impacts that would be caused by the completion of the
9 proposed project, there are at least three important
10 reasons to deny approval to this permit application.

11 First, Islander East has failed to do a
12 complete analysis of alternative routes available for
13 placement of a pipeline. They have indeed, as the
14 correspondence in your possession right now proves, have
15 resisted the effort to do a complete analysis. And an
16 alternative corridor does exist as Senator Gunther pointed
17 out, in New York that would accommodate the place of this
18 pipeline, yet is not even being considered.

19 Second, this proposal will have undeniably
20 negative impacts on one of the most environmentally
21 sensitive areas of Long Island Sound. In Branford alone,
22 the proposed pipeline path cuts through three Land Trust
23 properties and indirectly impacts other conservation
24 wetlands and uplands.

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1 Third, the undeniable truth is that there
2 exist other routes by which to move energy through and to
3 Long Island. The environmental destruction and ecological
4 disruption that will result from this project is
5 completely unnecessary. We can find a better way to
6 provide energy to Long Island and to our region if it's
7 necessary and it is our collective duty to do so.

8 When you consider this permit application
9 please consider the clear public policy value that the
10 Connecticut Legislature and the people of Connecticut have
11 placed on our environmental assets. And we ask you when
12 deciding whether to grant this permit application to
13 choose to respect the choices that we have made
14 collectively as a community to respect our environmental
15 assets, not to respect those choices made by a company
16 that seeks to profit from the exploitation of our
17 environment.

18 Thank you for considering our point.

19 MODERATOR ROSENBERG: Ladies and gentlemen,
20 I asked everybody to follow our official -- and that is to
21 be polite. Please do not interrupt, no applause. We have
22 a lot of people who want to be heard and they're all
23 getting tired of waiting.

24 Our next speaker will be State

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1 Representative Richard Roy, who will be followed by State
2 Representative Larry Miller.

3 REPRESENTATIVE RICHARD ROY: Thank you.
4 State Representative Richard Roy, 23 Howe Street in
5 Milford. My town knows what it's like to have a pipeline
6 go through. 10 years ago the Iroquois line went through,
7 we still have barren shellfish beds there. Please do not
8 send this one and put a barren shellfish bed on the east
9 side of New Haven Harbor.

10 Rather than go through some alternatives,
11 I'll give you that in writing, what I would like you to
12 consider is a zoning map for Long Island Sound.
13 Everything we do shoreward is guided by a zoning map of
14 the communities. What is a good use for this land? What
15 is a good use for this? Taking all of the entities,
16 putting pressure on Long Island Sound, we can develop the
17 zoning map for Long Island Sound that will allow us to
18 make the best use and protect our future, the future of
19 Long Island Sound.

20 Please consider that. Bring it around and
21 then we can move forward with a number of projects,
22 especially those that are beneficial to Connecticut and
23 Long Island Sound. Thank you.

24 MODERATOR ROSENBERG: Thank you sir. The

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1 next speaker is State Representative Larry Miller, who
2 will be followed by Representative Pat Widlitz.

3 REPRESENTATIVE LARRY MILLER: Good evening.

4 My name is Larry Miller, I'm State Representative for the
5 town of Stratford, which is a shoreline community. And
6 I'm here to speak not for the State of Connecticut, but I
7 know that 3.4 million people, residents of the State are
8 opposed to any destruction of Long Island Sound's
9 ecosystem.

10 That's what the Islander East project will
11 do. Just look at the 10-year-old Iroquois pipeline,
12 nothing has grown in that area of the pipeline. The same
13 thing will happen to the floor of the Sound where the
14 Islander East path is proposed. New York has not built a
15 power generator facility in 10 years and now is using
16 Connecticut's Long Island Sound as a free pathway to get
17 power to Long Island.

18 Long Island has rejected all proposals to
19 install generators on the Island. Long Island has even
20 sued the State of New York for proposing even a temporary
21 44 megawatt diesel portable generator in that area. Make
22 no mistake, power will be for Long Island and New York
23 City, not Connecticut.

24 I would ask that the Corps reject this

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1 proposal and look at the impact of the Iroquois Pipeline,
2 which has damaged the ecosystem in that particular area.
3 Long Island Sound is too valuable a resource. Connecticut
4 uses Long Island Sound for fishing, swimming, boating,
5 sunbathing and a host of other activities and is one of
6 the most significant assets of our State. We should not
7 be the doormat for the State of New York and I would hope
8 that you do reject this.

9 And I just want to say that we have three
10 gambling casinos -- two gambling casinos in Connecticut,
11 the Mohegan Sun and Foxwoods. Long Island Sound is now a
12 place where millions of dollars are being spent to keep
13 the oystermen and the lobstermen from saying anything
14 negative about this particular pipeline. And I hope you
15 reject it.

16 MODERATOR ROSENBERG: Thank you sir. Next
17 speak Representative Pat Widlitz who will be followed by
18 Representative Peter Panaroni.

19 REPRESENTATIVE PAT WIDLITZ: Thank you and
20 good evening. My name is Pat Widlitz. I am the
21 Connecticut State Representative for the 98th District,
22 through which the proposed project is planned. And also
23 as Co-Chair of the Connecticut General Assembly's
24 Environment Committee I'm here tonight in total agreement

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1 with and support of the Connecticut Attorney General, the
2 Connecticut Department of Environmental Protection and the
3 people of Branford in oppositions to Islander East's
4 application.

5 While the Islander East project threatens
6 to negatively impact open space, highland wetlands, 18
7 water bodies and Long Island Sound, a special concern is
8 the impact on the magnificent Thimble Islands, which are
9 not only a tourism magnet, but also support diverse
10 habitats for waterfowl, birds and even seals. Within the
11 path of the project are commercial and recreational
12 shellfish beds. Connecticut has already, as we've heard,
13 experienced the degradation of oyster beds from the
14 Iroquois Pipeline in 1991. To this day the shellfish beds
15 in its path have never recovered.

16 In its proposal Islander East plans to use
17 horizontal directional drilling to penetrate the floor of
18 the Sound. In the event that this method is unsuccessful,
19 there is a lack of information regarding alternative
20 construction and the resulting environmental impact.
21 There is also concern that during the HDD construction
22 that drilling fluid, bentonite, could be released into the
23 waters of the Sound placing the shellfish in peril. In
24 his July 30th letter to Islander East our DEP Commissioner

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1 Arthur Rocque stated, and I quote, "That the activities as
2 proposed by Islander East in the proposed location would
3 cause significant adverse impacts to coastal resources and
4 water dependent uses and would therefore be inconsistent
5 with the enforceable policies of the Connecticut Coastal
6 Zone Management Plan." The Commissioner is here this
7 evening.

8 I'm going to leave you copies of
9 Connecticut Legislation that we have worked diligently on
10 during the past session to develop a comprehensive
11 planning process for energy projects that are sited with a
12 higher standard for those that go underwater through the
13 Sound to make a qualification that they meet the highest
14 standard of public need and to also assure that there are
15 cumulative impacts assessed and that those will be
16 scrutinized carefully.

17 I'll close by saying I strongly oppose this
18 proposed project as it blatantly ignores the clearly
19 documented public policy goals of the State of
20 Connecticut. It is in direct conflict with Connecticut's
21 Federally approved Coastal Zone Management Act, does not
22 provide adequate information on alternative construction
23 methodologies, does not give adequate consideration to
24 alternatives sites. The potential impact of this proposal

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1 on water quality, shellfish and shellfish beds, tidal
2 wetlands and the Public Trust of Long Island Sound, an
3 estuary of National significance, is devastating. We
4 should all stand firm in a resounding no to this project.

5 Thank you very much.

6 MODERATOR ROSENBERG: Thank you ma'am. The
7 next speaker is State Representative Peter Panaroni, who
8 will be followed by Robert Snook, representing -- from
9 Attorney General Blumenthal's office.

10 REPRESENTATIVE PETER PANARONI: Thank you
11 very much. My name is Peter Panaroni. I'm from the 102nd
12 District, Branford, I'm the State Representative here.
13 And I want to thank you for having this hearing tonight.
14 And I want to personally welcome you to the best little
15 town by the Sound, Branford. Please keep it that way.
16 Don't allow this to happen.

17 As you have heard before me, and you will
18 hear after me, many comments about how terrible this
19 pipeline is and how it's going to effect one of the most
20 beautiful pieces of sound devotion of land, our Sound.
21 And it's something that is not needed. It is of no
22 benefit to the town of Branford. You've heard what the
23 statement placed in Stratford from our Representatives in
24 that area. You will see a diverse group of individuals

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1 here who will speak opposed and you will see some of
2 course in favor.

3 But please take into consideration what
4 this is going to do to our beautiful Sound. It happened
5 in Stratford. We have seen the fishing, nothing has come
6 back. This is something that is not necessary. As you
7 heard from Doc Gunther, there are alternative ways to
8 bring gas out to Long Island other than coming across our
9 Sound.

10 It's a beautiful, beautiful ocean out
11 there. Please don't allow it to be disturbed. Thank you
12 very much.

13 MODERATOR ROSENBERG: Thank you sir. The
14 next speaker, Robert Snook from Attorney General
15 Blumenthal's office and he'll be followed by Commissioner
16 Art Rocque from the Connecticut Department of Environment
17 Protection.

18 MR. ROBERT SNOOK: Good evening. My name
19 is Robert Snook from the Attorney General's Office,
20 representing Mr. Blumenthal, whose scheduled does not
21 permit him to be here tonight.

22 He has prepared a 17-page comment, which I
23 will be submitting and so I won't go over the two minutes
24 I will be reading from the first page of the comments,

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1 which is safe.

2 "The Islander East pipeline is an
3 environmental nightmare, literally the worst case in the
4 worse place. A location less acceptable would be
5 impossible to find. The project poses a direct and
6 substantial threat to critical ecosystem resources in the
7 Long Island Sound. Its permanent harms clearly outweigh
8 any speculative benefit from having a duplicative pipeline
9 to Long Island.

10 Even if there is a valid need sometime for a new
11 pipeline, the planned route is unnecessarily and
12 unacceptably harmful, indeed, arguably the worst potential
13 route across the Sound. Every relevant regulatory agency
14 has agreed that the impacts are severe and that a
15 preferable alternative exists. The DEP's recent denial of
16 Coastal Zone Management Act permit in a separate decision
17 yesterday, tentatively denying a water quality permit,
18 pertain to the new and improved revised version of the
19 Island East project and reinforces the conclusion that not
20 only are the environmental impacts of this project
21 particularly severe, the uniquely sensitive location
22 renders it impossible to conduct this type of activity in
23 this area.

24 Therefore, under Section 404 of the Clean

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1 Water Act, this permit must be denied. Thank you.

2 MODERATOR ROSENBERG: Thank you, sir. The
3 next speaker is Commissioner Art Rocque of the Connecticut
4 Department of Environmental Protection, will be followed
5 by Rick Goodwin, Town Chairman for Branford.

6 MR. ART ROCQUE: Good evening. My name is
7 Art Rocque and I'm Commissioner of Environmental
8 Protection. If you need real estate my staff will be of
9 assistance (indiscernible, laughter).

10 The guidelines that I'm going to refer to
11 were submitted to your record and are a part of that
12 record and I'll just summarize it. Under Section 307 of
13 the Coastal Zone Management Act, the Federal Coastal Zone
14 Management Act which denied certification of this project
15 in October of '02, it was appealed in November of that
16 year and as you've heard it already and as you well know
17 we denied certification.

18 A good faith attempt has been made by both
19 the Applicant and your staff as well as my staff and the
20 staff of both Federal resource agencies to try and improve
21 this project. I think that what we have here is we
22 actually have a relatively simple problem but a very
23 difficult solution.

24 Simply put the corridor is unacceptable.

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1 Based on both lost -- and direct impact and indirect
2 impact to coastal resources, as well as the measurement of
3 (indiscernible) and future water dependent resources. Our
4 standards are in statute. I understand there's likely to
5 be appeals to the Secretary of Commerce, we're fairly used
6 to that process, and suspect we will prevail. Should we
7 prevail of course Federal permits cannot issue.

8 We also think there are two other points
9 that should be made here. The first is, in our view this
10 project is not exempt from State regulatory programs and
11 State regulatory jurisdiction. The Applicant admitted as
12 much by submitting to that jurisdiction, but then failing
13 to conclude the application and review process.

14 And last but not least, I don't believe and
15 I feel that the Attorney General agrees with me, he
16 certainly expressed that the Federal Energy and Regulatory
17 Commission enjoys (indiscernible) here on Long Island
18 Sound.

19 The project area in Connecticut, and New
20 York for that matter, is public trust tidal lands in which
21 we have a proprietary interest. There are no Federal
22 preempted statutes that apply in this sense. Thank you.

23 MODERATOR ROSENBERG: Thank you sir. The
24 next speaker is Rick Goodwin, who will be followed Robert

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1 Denhardt, Third Selectman of Branford.

2 MR. RICK GOODWIN: Good evening. I'm the
3 Republican Town Chairman here in Branford. And my name is
4 Rick Goodwin, I live at 43 Linden Avenue.

5 You've heard a lot of testimony so far from
6 people that are pretty impressive. I want to use a
7 different factor. I want to use the cute factor. This is
8 a seal that comes right here in Branford and this was
9 taken at Outer Island about a year ago. FERC and the
10 people that work with them said that they don't need to
11 get any permits for the issue surrounding the Marine
12 Mammal Act of 1972 because they said, there's no seals
13 here. Well, guess what? They're here.

14 We had industry that is based on taking
15 tourists around and showing them these wonderful animals
16 that are here basically from the middle of September
17 through somewhere around May 1st. In any case, I hope that
18 you will deny this permit. This just one of the animals
19 that will be effected by this. Obviously, there'll be a
20 heck of a lot more. Thank you for coming and do the right
21 thing.

22 MODERATOR ROSENBERG: Thank you sir. Next
23 speaker, Robert Demaerot, Third Selectman, Branford will
24 be followed by Carl Balestracci.

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1 MR. ROBERT DENHARDT: Thank you. My name
2 is Robert Denhardt. I live at 26 Wildwood Drive. I'm the
3 First Selectman in the town of Branford.

4 There are several things that concern me
5 about the Islander East proposal. A pretty basic one
6 however is safety. We're running a pipeline parallel to,
7 or close to the proximity of a railroad track. I've seen
8 nothing that shows the potential hazard of a railroad
9 track and a pipeline adjacent to each other.

10 They run the pipeline right next to, or
11 right close to the Whitewood School, again another hazard
12 or safety thing, which concerns me very much. The
13 environmental issue has been covered very completely by
14 other speakers so far today.

15 The third thing that concerns me is I have
16 never seen anything that Islander East has done to show me
17 anything different. They have not done anything as far as
18 drilling through Stony Creek granite to run their pipe.
19 The only comment I got the last time I brought this
20 question up was, well, if we can't run through the granite
21 then we'll go ahead and do the other measure, which is
22 dredging. Either way we're going to, you know, create a
23 lot of problems. But until they can prove to me that they
24 can run that pipeline down through Stony Creek granite and

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1 then do their other drilling without any deformation to
2 beds and so forth, I am completely opposed to this
3 project. And I appreciate your deep consideration towards
4 lack of approval. Thank you.

5 MODERATOR ROSENBERG: Thank you sir. Next
6 speaker Donald Balestracci, First Selectman town of
7 Guilford followed by Vincent Candelora.

8 COURT REPORTER: Can you spell your last
9 name?

10 MR. DONALD BALESTRACCI: Good evening. My
11 name is Donald (applause and laughter). Most people just
12 call me Mr. B. or (indiscernible) and I am your First
13 Selectman of Guilford. I'm here tonight as the First
14 Selectmen representing Branford's neighbors, the people of
15 Guilford. This issue is not Branford's, but one which all
16 the people of Connecticut are vitally concerned.

17 From Greenwich to Stonington our people
18 have asked for a very simple process to be followed. We
19 have asked our Legislature and they have almost
20 unanimously supported us in enacting a moratorium until
21 the following can be provided. We want a needs assessment
22 of the total amount and number of power lines, gas,
23 electric and any others that would satisfactorily serve
24 both the people of Long Island and Connecticut.

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1 Two, we would like a plan developed that
2 would provide the least number of pipelines to provide the
3 necessary power that will have a minimal impact on our
4 environment and our natural resources. We understand that
5 the Army Corps has been requested to review this pipeline
6 proposal yet again, by the highest echelons of our Federal
7 government. We fully understand the awesome specter of
8 that request and the impact it has upon your Department,
9 but we ask you to join us in preserving the integrity of
10 our water, our land and our natural resources.

11 We ask you to do this not just for us, but
12 for the next generation and those that will follow. Not
13 for the next election, but for the future of us all.
14 Thank you.

15 MODERATOR ROSENBERG: Thank you sir. Next
16 speaker is Vincent Candelora.

17 MR. VINCENT CANDELORA: Vincent Candelora,
18 Town Council, town of North Branford. On behalf of the
19 town of North Branford I wish to congratulate the Corps in
20 exercising leadership by standing (indiscernible) of their
21 review in assessing the wider environmental impact of this
22 project.

23 We asked for this hearing to evaluate the
24 impacts to water qualities, water supply, environmental

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1 wetlands and the welfare of the people of North Branford.

2 While inland from the Long Island Sound,
3 part of Islander East North Branford crosses in areas of
4 significant secondary impacts. The pipeline is proposed
5 to cross and disturb an area of pre-existing groundwater
6 contamination with the presence of PCE. Connecticut's
7 Department of Health has determined that exposure to
8 groundwater contaminated with PCE can cause liver or
9 kidney damage.

10 The Connecticut Department of Environmental
11 Protection was so concerned by this contamination that a
12 few years ago they had Ridgeville Associates as a
13 consultant to assess the site. Ridgeville Associates
14 advised against further disturbance or testing of the
15 contaminated site to prevent the spread of a pollution
16 foam and documenting the PCE's that was in question. By
17 disturbing the pollution foam Islander East wants to risk
18 its impacting local potable water supplies and reaching
19 Long Island Sound from North Branford through a series of
20 (indiscernible).

21 Even amongst the presence of the
22 underground pollution foam outlined by Islander East can
23 upset the delicate balance of water flow to private wells
24 that many of our residents enjoy. Further, if the

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1 proposed project crosses this designated watershed for the
2 South Central Regional Water Authority. The project will
3 also prove detrimental to Cedar Pond and downstream
4 Lindsey Pond, which possess unique environmental
5 characteristics as it's identified by the State of
6 Connecticut's National Diversity Database.

7 In summary, as proposed this entire project
8 suffers from poor planning and we are afraid it will also
9 result in poor public policy that proves no benefit to our
10 community or the State of Connecticut. It is clear that
11 this project destroys the natural resources of this area,
12 is not environmentally sound and runs counter to the
13 environmental preservation and conservation policies of
14 the town and the State of Connecticut.

15 Expressed more simply, we view this project
16 as a project developed -- excuse me, we view this project
17 as a development by mandate and not by design.

18 MODERATOR ROSENBERG: Thank you sir. Next
19 speaker, John Lust, Branford Town Planning and Zoning
20 Office. He'll be followed by John Opie, Branford RTM,
21 Second District.

22 MR. JOHN LUST: Good evening. My name is
23 John Lust. I'm Planning and Zoning Commissioner and I'm
24 current Chair of Branford's Blue Ribbon Committee to study

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1 this pipeline. The town enjoys an open channel of
2 communication with your Agency and we appreciate that.
3 I'll be brief.

4 Two items I'd like to address tonight. The
5 first is allowing Applicants to use best case modeling in
6 their applications. I'd like to think that we've learned
7 that this doesn't work looking at Iroquois and now looking
8 at the HUB Line Project. The HUB Line Project I believe
9 was supposed to be done in May and it's still ongoing. I
10 don't have to tell you the problems that they've incurred.

11 Islander East is using the winter of 2001-2002 as a
12 model. That's obviously atypical and can't be relied on
13 to duplicate itself when this pipeline is proposed to go
14 through.

15 Secondly, I'd like to address Islander's
16 most recent modification to their application. The
17 shallow burying technique with riprap overlay just is not
18 a good idea. It puts the pipeline much too close to the
19 surface. The riprap covering totally destroys acres of
20 productive ethnic (phonetic) area. And it -- because of
21 that it'll interrupt any commercial shellfishing activity
22 in the area. This particular area happens to be recently
23 approved as Branford's commercial shellfishing area and so
24 it's going to displace the water-dependent use. It's

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1 going to permanently destroy that area of the Sound and
2 it's going to present navigational hazards as
3 shellfishermen try and manipulate their way around area
4 with their raking and dredging rigs.

5 Thank you very much.

6 MODERATOR ROSENBERG: Thank you sir. Next
7 speaker, John Opie, followed by Chris Sullivan, Branford
8 Conservation Environmental Commission.

9 MR. JOHN OPIE: Good evening. My name is
10 John Opie and I live at number 15 Buena Vista Road in
11 Stony Creek, among some of that aforementioned Stony Creek
12 granite.

13 I'd like to voice my opposition to the
14 Islander East Pipeline proposal as a Branford resident and
15 as an RTM representative from the Second District through
16 which the project would run. I'm neither an environmental
17 expert nor civil engineer, but my objections are based
18 solely on common sense and logic. I submit to you that
19 the Islander East project as proposed is entirely based on
20 corporate greed and not civic need.

21 I fully comprehend and appreciate the
22 concept and need for sharing of our energy resources
23 through a distribution grid system. I'm sure that the
24 town of Branford and the State of Connecticut will always

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1 be willing participants when the need justifies the
2 sacrifice. In the case of Islander East the civic need
3 has not been proven to balance the environmental havoc it
4 will cause.

5 This past winter was about as severe as
6 winters get in New England. If there were real need for
7 more of natural gas on Long Island the evening news would
8 have carried stories of residents facing energy-related
9 hardships rather than commercial advertisements extolling
10 the virtues of modern gas heat and encouraging oil
11 customers to convert.

12 If improvements are in fact needed to the
13 distribution system a far more sensible solution would be
14 the mid-Sound linkage to the Iroquois system. While the
15 corporate profits of Duke Energy and Keyspan may be
16 somewhat less than hoped by their management, the mission
17 will be accomplished and the majority of environmental
18 destruction will be avoided. Thank you.

19 MODERATOR ROSENBERG: Thank you sir. Next
20 speaker, Chris Sullivan who will be followed by Christine
21 W-A-N-E-R-K-A or W-A-N-E-R-L-L-A, I'm not sure.

22 MR. CHRIS SULLIVAN: Hi. My name is Chris
23 Sullivan. I'm a member of Branford's Conservation and
24 Environment Commission and I'm opposed to the pipeline

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1 project.

2 The Islander East pipeline proposal is
3 inherently flawed and I'm strongly opposed to the
4 continuation of the project and request you, the Army
5 Corps, to deny the permits requires for sections of the
6 Rivers and Harbors Act and the Clean Water Act. The
7 largest concern I have of this proposal is the strong
8 likelihood of negative impacts on the local Harbor and
9 Gray Seal populations. These animals inhabit the area and
10 on and around the Thimble Islands at various times
11 throughout the year with individuals remaining all year
12 long. A recent March 2003 survey documented 44 seals off
13 of Outer Island.

14 Both Harbor and Gray Seals are protected
15 under the Marine Mammal Protection Act. This Act
16 established a moratorium on taking and importation of
17 marine mammals. Within the Act taking is defined as, to
18 harass, hunt, capture, kill or attempt to harass, hunt,
19 capture or kill. This Act also defines two types of
20 harassment. Type B is the most important in terms of
21 relevance toward the Islander East proposal. This type of
22 harassment is defined as having potential to disturb a
23 marine mammal in the wild by causing disruption of
24 behavioral patterns, including but not limited to

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1 migration, breeding, feeding and sheltering. The key to
2 this passage is having the potential to disturb.

3 Since seals are relatively shy creatures
4 and are easily disturbed I believe that the noise from the
5 drilling and other pipeline related activities will result
6 in many seals leaving the area. Not only will this be a
7 problem ecologically, but economically as well. There is a
8 company in Branford that runs tours specifically to see
9 the seals. If there are no seals, there are no tours
10 resulting in less tourist money into our local economy.

11 In a recent letter from the DEP the Thimble
12 Islanders were recognized as one of our four primary seal
13 haul out sights in Connecticut. This fact is sited from
14 the Norwalk Aquarium and I will submitting some photos of
15 these seals with my written comments.

16 With the Thimbles being recognized as a
17 primary haul out site it seems to refute the findings in
18 the FEIS from National Marine Fishery Service that the
19 majority of the seals in Long Island Sound are found in
20 other areas near concentrations of anadromous fishes.
21 With several large freshwater streams and rivers in the
22 local area I would also expect to find several of these
23 fish species in waters off Branford at various times
24 during the year. In fact, a recent fish ladder viability

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1 survey discovered evidence of alewife and herring at the
2 base of the Supply Pond Dam here in Branford. Both of
3 these types of fish are anadromous and potential food
4 sources for the seals.

5 And I see my red light is up, so I'll just
6 submit the rest in writing.

7 MODERATOR ROSENBERG: Thank you, sir. Next
8 speaker, could you please pronounce and spell your last
9 name please?

10 MS. CHRISTINE WANERKA: Sure.

11 MODERATOR ROSENBERG: Who will be followed
12 by Jonathan Walters.

13 MS. WANERKA: It's Christine Wanerka, and
14 I'm speaking for the League of Women Voters of East Shore.
15 I'm Chairman of the Branford Unit.

16 I wish only to reiterate the position that
17 we have taken for the past almost nine months now and that
18 is as follows. Since the proposed Islander East Pipeline
19 would contradict the majority of our positions we must
20 oppose it. I have submitted a summary of these positions
21 as it has been printed in the local papers to the
22 recorder.

23 MODERATOR ROSENBERG: Thank you ma'am.
24 Next speaker, Anthony DaRos who will be followed by

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1 Jonathan Walters.

2 MR. ANTHONY DaROS: Good evening and
3 welcome to Branford. I'm the First Selectman of the town
4 of Branford, Anthony DaRos. I live at 27 Watrous Avenue.

5 As you know, this is one of many public
6 meetings we've had. The first was two years ago last week
7 when I called a special meeting of the Board of Selectmen
8 to provide the public with its first real chance to obtain
9 information from Duke Energy's representatives. That was
10 necessary because the public information session that Duke
11 held several weeks earlier was an insult. They provided
12 no substantive information and misrepresented themselves.

13 More than two years later nothing's
14 changed. You were copied too on the DEP Commissioner
15 Rocque's letter last week denying the CZMP consistency
16 certification. Not only did that letter deny
17 certification, but it reached the same conclusion that the
18 town's Blue Ribbon Committee reached in October 2001. That
19 the application is incomplete and insufficient. Nothing
20 has changed, regardless of how many times it's been
21 modified.

22 It's been like this from the beginning.
23 The minutes from our Selectmen's meeting reflect that Duke
24 was unable, perhaps unwilling, to answer even basic

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1 questions such as the amount of the bond they would post,
2 what they plan to do if the underwater drilling didn't
3 work, or even what kind of certificate they were asking of
4 FERC in the application.

5 The same theme prevailed throughout the
6 hearings by the town's Blue Ribbon Committee. If you
7 haven't read that report I will be submitting this copy
8 for your record. After five nights of testimony and
9 hundreds of hours of review and study the Committee
10 reported that Duke's plans were unable to meet even our
11 local building, zoning and environmental compliance
12 standards, mainly because there wasn't enough information
13 in the application. We weren't looking for quantity, but
14 quality, and found none. If you would like the
15 transcripts from those hearings I would gladly provide
16 them for you.

17 Branford does not have the financial
18 resources that Duke and Keyspan have. We can't hire
19 lobbyists and others to mount a campaign against them.
20 They have spent more than \$25,000,000 so far. We've spent
21 tens of thousands of hours of volunteers' time and energy
22 studying these issues. But we're realistic and know that
23 we can't match Duke's money and influence and that the
24 playing field is not level.

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1 So the issue becomes, and this is the
2 issue, who acts for the public trust? Certainly not Duke
3 Energy or Keyspan. Their sole objective is to make as
4 much money as possible no matter what the environmental or
5 economic cost. That's why they even refuse to consider
6 any alternative routes, even though they'd be less
7 environmentally damaging.

8 In each of the previous public hearings
9 dozens of citizens made public statements. You can expect
10 that again tonight. Throughout all these hearings I
11 cannot recall a single voice that supported this plan.
12 Tonight may be different.

13 Duke and Keyspan have worked hard to
14 ingrate themselves with the business community. Have paid
15 tens of thousands of dollars to a variety of newspapers
16 for their ink and even conducted a sham telephone survey
17 last month. So don't be surprised if you hear someone say
18 that they think the pipeline folks have all the right
19 answers. Just know that it's the first time such
20 statements are being made and are not based on any
21 objective analysis of the plan.

22 And again, I want to thank you.

23 MODERATOR ROSENBERG: Thank you sir. Next
24 speaker, Jonathan Walters who will be followed by John

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1 Smith. Once again, if you have lengthy written statements
2 please summarize it to a two-minute limitation. An
3 additional stenographer is available in the registration
4 area with no time restrictions.

5 MR. JONATHAN WATERS: I'm Jonathan Waters.

6 I represent RTM Second District, Stony Creek. I'm also
7 an oyster farmer from Stony Creek. I wish to read to you
8 an excerpt from a paper published August 1st, 2003 an
9 article in the Meriden Connecticut Record Journal. It's
10 attributed to Mr. John Sheriden of Duke Energy and
11 Islander East.

12 Sheriden asserts that the construction of
13 the pipeline will not have long-term impact on shellfish.

14 The pipeline will be installed 100 feet below the seabed,
15 a process that will minimize impact to shellfish beds and
16 other environmentally sensitive areas. Any impact will be
17 short term he said. Other activities including the
18 methods fishermen use to dredge clam beds cause more
19 destruction for longer periods of time.

20 Sheriden also took exception to the DEP's
21 assertion that the plan would harm oysterism in the Sound.

22 There are no oysters in the Sound, Sheriden said.
23 Islander East has scanned the seabed with a robot and it's
24 found no oysters.

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1 Well, this afternoon I harvested this
2 beauty, along with a few of his or her brothers and
3 sisters from Lot 168. That's within the pipeline corridor
4 and it's within 100 feet of the proposed pipeline. I'd
5 also like to point out that shellfishing activity is a
6 historically water dependent use. Islander East Pipeline
7 is not. Thank you.

8 MODERATOR ROSENBERG: Thank you sir. Next
9 speaker is John Smith who will be followed by Dr. Lance
10 Stewart.

11 MR. JOHN SMITH: Thank you. I want to
12 welcome the Corps here to our small town of Branford. My
13 name is John Smith and I live at 104 Shore Drive in Short
14 Beach, which is a complete opposite side of where this
15 pipeline is going to be going into. I'm the majority
16 leader of the RTM, which is the Representative Town
17 Meeting, which is our form of government, selected to the
18 RTM. There's 30 members that are elected from the
19 district. And we're unanimously opposed to this pipeline.

20 Over the last two years we have seen no
21 economic, social, or political, or environmental benefit
22 from this proposed pipeline and the gas transmission. You
23 will not help economically but on short-term through job
24 creation for pipe fitters and that type of thing. It has

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1 no long-term job creation, which is needed across the
2 whole country, but in our town right now.

3 It environmentally impacts on lands that
4 the RTM and the Branford Land Trust have worked over the
5 course of 40 years to preserve as a natural habitat for
6 people for walking and passive type of recreation. It
7 will impact also because it's going to run along a
8 railroad track that has houses that abut it and schools
9 that abut it, which present a 24-inch pipe full of gas a
10 potential for tremendous hazard.

11 But more importantly, or almost importantly
12 it ends up going into Stony Creek and the Thimble Islands.

13 And that is really -- the water is what the majority of
14 the people of Branford are here for. It's part of the
15 socioeconomic climate, the ambiance of the town, and that
16 will impact. Jonathan Waters is one of our guys that
17 stills works down there and makes money claming off of
18 that.

19 And you've heard from our friends in
20 Stratford who have been here and have seen the results for
21 10 years and it's been a negative effect, extremely
22 negative effect. So I want to welcome you to our town. I
23 want to welcome you to our renovated high school, which
24 comes from our hard-earned tax dollars. And as members of

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1 the government and representatives of the Corps, I hope
2 that you would listen to the small people, the people in
3 this town and the impact this proposed pipeline would have
4 and do the right thing. Do the thing that says this is
5 not an appropriate time. It doesn't justify it
6 economically from the needs of gas on Long Island Sound
7 and most certainly has a tremendous potential of impacting
8 our environment and the way of life that we have here.

9 And I thank you for your time.

10 MODERATOR ROSENBERG: Thank you sir. Next
11 speaker, Dr. Lance Stewart followed by Richard Shanahan.

12 DR. LANCE STEWART: Yes. I'd like to thank
13 the Corps of Engineers for entertaining comments. And I
14 will reiterate a view that I've made at hearings in the
15 past before FERC and also the public hearings here, that
16 I'll give you my perspective.

17 I'm a marine biologist with the University
18 of Connecticut. For 35 years I've spent countless hours
19 on the water diving in habitats, doing research on
20 lobster, (indiscernible) Management Program for 15 years.
21 Part of the perspectives I see is a lack of attention by
22 the Applicant to really address marine biological issues.
23 Species that have been sited are erroneous or the
24 predominant ones have been ignored.

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1 Other issues are the extreme importance of
2 habitat. I've served with Senator Gunther on the United
3 States Marine Fisheries Commission for the last eight
4 years. I co-chair the Habitat Committee for that state
5 representative body from Maine to Florida. Essential fish
6 habitat is part of the Magnuson Act Mandate, not
7 considered here at all. Habitat locations for lobsters
8 that are known to be clustered in environments through the
9 25-mile route haven't even been pre-reconnaissanced at
10 all.

11 The other important issue that we bring up
12 scientifically several times over the last two years is
13 that very little is known about trench ecology. That pit
14 in the ocean floor that entrains animals, larvae. All the
15 animal cycles that renew the bountiful species that we
16 have as adults have to start with larval benthic
17 environments and the entrainment, entrapment, the anoxic
18 conditions that could occur in trench environments have
19 not been investigated. Even in many of the pre-approved
20 projects that have already occurred, like the HUB Line.
21 Essential research has to be done in this arena.

22 And I would just offer a word suggestion
23 that you take the vigilance that you did with the dredge
24 material projects that were of National defense and apply

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1 the same measure or standard of oversight to this project,
2 or any of the future ones. We know there are about 10
3 proposed, not just this one. So we have a lot of work to
4 do to understand the issues that they will have on our
5 environment. Thank you.

6 MODERATOR ROSENBERG: Thank you sir. Next
7 speaker, Richard Shanahan followed by Cinda Cash from
8 Stony Creek.

9 MR. RICHARD SHANAHAN: My name is Richard
10 Shanahan. I'm here to tonight to speak as Vice President
11 for the Branford Land Trust. I'm also speaking on behalf
12 of Joan Marek, who is President of the Land Trust who
13 could not make it here tonight.

14 The Branford Land Trust is a totally
15 volunteer non-profit organization supported by the
16 citizens and businesses of Branford. Land is entrusted to
17 the Land Trust with the expectations that it will be
18 protected as open space for the benefit of future
19 generations.

20 With a population density of over 1,300
21 people per square mile the true value of our properties
22 are impossible to calculate. They protect the air and
23 water quality of our community as well as Long Island
24 Sound. They provide habitat for wildlife and fauna. They

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1 provide for recreation. They provide buffers between
2 commercial, industrial, and residential areas. As the few
3 remaining parcels of private land are being developed, the
4 value of these protected properties increase.

5 Unfortunately, Islander East is looking at
6 these protected properties only in a purely economic sense
7 as, quote, unquote, unimproved land and ignores many of
8 the intangible values. As a result, it is very ironic
9 that the very properties that the residents of Branford
10 have worked so hard to acquire and protect over the years,
11 have now become prime targets for utility right of ways
12 and eminent domain proceedings because they are the
13 cheapest to acquire and develop and thus maximize the
14 profits for these companies.

15 The only reason we're here tonight is
16 because Islander East is attempting to maximize profits
17 for their parent company and shareholders. They do not
18 care for the residents or businesses of Long Island
19 anymore than they care for the residents of Branford. I
20 can say this with conviction because there are indeed
21 other environmentally less damaging alternatives to this
22 proposal.

23 Our properties have been placed in trust.
24 Development of these properties in any manner, but

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1 especially for private economic gain, is a violation of
2 that trust. Speaking on behalf of the Branford Land
3 Trust, we are adamantly opposed to this project.

4 MODERATOR ROSENBERG: Thank you sir. Next
5 speaker, Cinda -- is that correct? Cash?

6 MS. CINDA CASH: Yes.

7 MODERATOR ROSENBERG: To be followed by
8 Stephen Dudley. Ma'am?

9 MS. CASH: Hi. My name is Cinda Cash and I
10 live at 33 Buena Vista Road in Stony Creek and I'm a
11 Second District Representative to the RTM.

12 The proposed pipeline hits the families in
13 the Second District very hard and that's why I'm here
14 today to speak out against this proposal. The proposed
15 pipeline benefits no one in Branford. Furthermore, it is
16 potentially dangerous to our citizens and our children.
17 This is not one of those, not in my backyard issues, this
18 is an environment and public safety issue. And I submit
19 to you it's also a political issue.

20 Connecticut's DEP denied Islander East
21 approval to move forward with their plan. Then Islander
22 East came back again after dealing with the Federal
23 government and they were denied again by Connecticut's
24 DEP. The file was closed. But they're back again. They

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1 simply will not take no for an answer. Why? Because they
2 feel they have the backing of a Federal administration
3 that is pro big business and anti community. They need
4 this project to help grow their company for profit.

5 Islander East and it's parent companies are
6 part of a very large U.S. corporate energy lobbying
7 industry at the Federal level. There is no doubt that
8 this attack on our adored Branford and Long Island Sound
9 will continue for some time. We will be bold, strategic
10 and continue to be focused on ending this terrible attack
11 on our community.

12 As RTM members we will help lead the fight
13 against this big business taking over our community. We
14 must stand firm and as a community we will. Thank you.

15 MODERATOR ROSENBERG: Thank you ma'am. The
16 next speaker, Stephen Dudley followed by Kyle Nelson.

17 MR. STEPHEN DUDLEY: Good evening. My name
18 is Stephen Dudley. I'm the Town Engineer for the town of
19 Branford and have served in capacity for 17 years. I'm
20 also a licensed professional engineer and land surveyor in
21 the State of Connecticut.

22 Two years ago the town of Branford held
23 public hearings and meetings concerning the Islander East
24 Pipeline proposal. At those public hearings I raised

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1 several issues concerning the lack of information on
2 specifics of construction, pipeline route, impacts on town
3 facilities and utilities, as well as environmental
4 safeguards. To date my office has not been contacted by
5 Islander East to provide any additional information to
6 address these concerns. We remain concerned that these
7 important issues will not be addressed.

8 The Applicant's lack of action and
9 unwillingness to provide the information to the town is
10 even more troubling now than it was two years ago. After
11 over 30 years in the civil engineering profession it is
12 beyond my comprehension how a project of this magnitude
13 can proceed to this point on minimal and at best schematic
14 plans. Standard engineering procedure is to prepare far
15 more detailed plans and investigations than have been
16 disclosed by Islander East. These should before all
17 levels of government for review and comment. The
18 statements by Islander East that they will address any
19 questions in the future are unacceptable. The answers
20 should be here now.

21 In closing, I ask the same question that I
22 posed two years ago and which remains unanswered. What
23 mechanism exists, or can exist that will assure that the
24 issues raised now and in the future are addressed to the

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1 town's satisfaction as the design is refined and
2 construction undertaken? The protection of Branford's
3 infrastructure and environmental resources rests upon the
4 process utilized to answer that question.

5 And beyond my professional capacity, as an
6 individual I'm completely opposed to this project. Thank
7 you.

8 MODERATOR ROSENBERG: Thank you sir. Next
9 speaker, Kyle Nelson followed by Anne Fortunato.

10 MR. KYLE NELSON: Good evening. My name is
11 Kyle Nelson. I'm a lifelong resident of Branford, the 4th
12 District RTM Representative here in town, Vice Chairman of
13 the Branford Republican Town Committee, member of the Blue
14 Ribbon Commission and past Chairman of the Branford
15 Shellfish Commission.

16 I'm here tonight to raise my opposition to
17 this pipeline project on behalf of all of the above. The
18 negative impacts of this pipeline on wildlife, fish,
19 shellfish in Branford leads to one simple conclusion. Not
20 in Branford. The Island East Project will damage and
21 destroy limited valuable shellfish resources. The damage
22 to these grounds has been supported in the July 29th
23 decision by our own Connecticut Department of
24 Environmental Protection, the details of which obviously

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1 you'll be receiving a copy of, but I want to highlight a
2 couple of things.

3 Specifically in their findings and in the
4 Blue Ribbon Commission's findings, the impact to shellfish
5 beds along the grounds in Branford total about five acres
6 being permanently altered or rendered unsuitable for
7 commercial shellfishing because of the cobble would
8 interfere in harvest technologies. And one of our
9 shellfishmen already referred to that cobble as really not
10 being amenable to replantation.

11 Yet Islander East says, we're going to make
12 it better. The fact is, Islander East has not provided a
13 viable means to rectify the damage their pipeline will do
14 to our shellfish beds. These are a valuable resource in
15 the town of Branford. The town is leasing these
16 properties to commercial entities to offset revenues that
17 aren't coming back from the Federal government and the
18 State. And these revenues are in jeopardy, which means
19 that our taxes as well as our cost of living will also be
20 impacted by this project, let alone the environmental
21 impacts that occur.

22 As residents of Connecticut we do have an
23 obligation to participate in the regional grid of
24 development of energy, but at the same time we shouldn't

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1 have to do it at a valuable environmental resource
2 jeopardy. I encourage you to look at this application,
3 review it thoroughly and come to one conclusion that not
4 in Branford is the only answer. Thank you very much.

5 MODERATOR ROSENBERG: Thank you sir. Next
6 speaker Anne Fortunato followed by Becky Mars.

7 MS. ANNE FORTUNATO: I'm Anne Fortunato,
8 108 Cedar Knolls Drive and I've been asked to read this
9 email that was sent to the Stop the Pipeline web site.

10 "I was surprised to learn that a pipeline
11 across Long Island Sound was depending on gas all the way
12 from where I live in Nova Scotia, Canada. As someone
13 interested in renewable energy and the environment I
14 followed the natural gas exploration around Sable Island
15 in Nova Scotia. I'm surprised because all we here where I
16 live is there isn't enough Sable Gas to meet our own needs
17 and continue what we already export in a pipeline to Maine
18 and New Hampshire.

19 Why? Because Shell Canada downgraded it's
20 Sable Gas reserves. Shell says, new finds around the
21 Sable Offshore Energy project will be needed to keep the
22 present production level of about 530,000,000 cubic feet a
23 day flowing to existing customers on the Maritimes and
24 Northeast Pipeline.

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1 Shell is partners with the Sable Offshore
2 Energy Project, which includes Mobil and Exxon. Shell
3 says gas production levels from the Sable Project are down
4 11.5 percent in the first half of 2003. The Sable
5 reserves are more uncertain than originally thought. They
6 will take more work and more money to keep production up
7 at the 500,000,000 cubic feet per day range over the next
8 five to six years. Even if additional Scotian Shelf
9 discoveries are made in the Sable area, they will only
10 help to stretch the existing production levels beyond five
11 to six years.

12 Canada's National Energy Board even held a
13 hearing this spring into this serious lack of gas in New
14 Brunswick after the government there became concerned.
15 Shell twice has reduced its estimate of the total Sable
16 reserves bringing the number down from 3.6 trillion cubic
17 feet to 2.3 trillion cubic feet. A new gas line called
18 Deep Panuke is now stalled while the oil companies look
19 for more gas. Even if it was developed it would only
20 provide 750 billion cubic feet of gas."

21 I'm going to skip down to, "If I read your
22 newspaper right, the people of Long Island and Connecticut
23 were better informed, they would be asking the Army Corps
24 of Engineers and your FERC some important questions like,

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1 Why are Duke Pipeline and Keyspan Electricity seeking
2 approval to build a Long Island Sound pipeline, and a Long
3 Island generation plant depending on a new Nova Scotia Gas
4 supply that is not even discovered and proven up yet? And
5 what's more, do they know even if a large new gas
6 discovery is made, it would be used to ensure the existing
7 flow rates from the existing Sable Project to existing
8 customers? I would think the National Energy Board of
9 Canada, which is the same as your Federal Energy
10 Regulatory Commission, would insist that the existing
11 customers of Sable Gas who get deliveries from the
12 Maritimes and Northeast Pipeline are served first by any
13 new gas discovery.

14 And even if a total of another two trillion
15 cubic feet is discovered off Nova Scotia it would take at
16 least five years to get it to Connecticut. That's how
17 long it takes from discovery to get the government
18 approval and to construct offshore production facilities
19 and new enlarged offshore and onshore pipelines to carry
20 it all the way from Canada to Connecticut. Is that 2008
21 or 2009 from today?

22 So unfortunately, while we in Canada would
23 like to help our good U.S. neighbors, it's a mystery to me
24 how we can do it with Sable Gas for quite sometime.

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1 MODERATOR ROSENBERG: Thank you ma'am.
2 Thank you very much. Next speaker, Becky Mars who will be
3 followed by Sherry Peterson. We've just received the sign
4 from the stenographer we need to take a break. If Ms.
5 Peterson -- thank you. Ma'am?

6 MS. BECKY MARS: Hello. I'm Becky Mars.
7 For two years now I have been an intervenor in the
8 Islander East Pipeline and FERC at the Connecticut Siting
9 levels. I have read every word of the Islander East
10 application and correspondence between intervenors and
11 interested parties. I have watched the regulatory process
12 for certifying cables and pipelines in the Northeast and
13 have seen various stages both implementation and
14 abandonment of the Cross Sound, HUB Line, Cross Bay and
15 Millenniums.

16 I am certainly not an expert, but I see
17 three overwhelmingly recurrent themes. Government
18 regulatory agencies do not have the staff and resources to
19 adequately deal with these enormous projects in a
20 proactive way to avoid environmental impacts to our land
21 and water.

22 Two, while energy companies purport to be
23 environmentally sensitive it is counterintuitive to expect
24 them to make less impacting decisions. In fact, most

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1 pipeline and cable applications are very broad and allow
2 third party independent contractors to make major
3 decisions about installation in the field.

4 Three, energy projects are often rubber
5 stamped for approval prior to scientific data collection,
6 data that would show how these very methodologies could
7 fail or be more impacting than stated in their
8 applications.

9 Duke Energy's HUB Line has a failed HDD, as
10 you know, which has delayed this project for months. They
11 have left trenches open this summer and while incurring
12 fines from Massachusetts the damage is being done with no
13 recourse or solutions. Clearly HDD data was not
14 adequately assessed prior and open trenches during the
15 summer were not included in the FEIS.

16 The Cross Sound Cable debacle rendered a
17 cable useless even after damaging installation had been
18 done. Fracouts occurred and bentonite spills amassed in
19 our New Haven harbor. How much environmental damage do we
20 need to incur to teach us that proactive scientific data
21 and correct siting of these utility infrastructures are
22 essential?

23 The Islander East project is headed in the
24 same direction. For example, FERC very specifically

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1 requested offshore borings to determine soil compatibility
2 and success for the HDD. IE said they would submit data
3 at a later date, but never did complete the testing. FERC
4 gave IE their certification without even re-requesting
5 this crucial information.

6 MODERATOR ROSENBERG: Time is up.

7 MS. MARS: Oh, I'm sorry.

8 MODERATOR ROSENBERG: Would you please
9 submit the entire statement for record?

10 MS. MARS: Okay.

11 MODERATOR ROSENBERG: Our next speaker is
12 Sherry Peterson following that we will go to a break.

13 MS. SHERRY PETERSON: Good evening. My
14 name is Sherry Peterson, 282 Pine Orchard Road, Branford,
15 Connecticut. I'm speaking as a representative for the
16 Pine Orchard Association, a letter that was submitted by
17 Jennifer Aniskovich, the President of that association,
18 and if time allows, my own comments.

19 "On behalf of the Pine Orchard Association
20 I urge you to reject the proposal by Islander East to
21 construct a pipeline through Branford. As proposed, the
22 pipeline will cut through three protected Land Trust
23 properties, disrupt protected wetlands, deplete available
24 open space and drastically change the nature of a number

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1 of residential communities.

2 Pine Orchard, a 100-year-old shoreline
3 community, would be particularly devastated by the
4 pipeline. Through our local association, the residents of
5 Pine Orchard have worked hard over the past century to
6 preserve the beauty, safety and ecological balance of our
7 community. We are sensitive to preserving Long Island
8 Sound, protecting wetlands and making sure that Pine
9 Orchard is a healthy, safe and inviting community for
10 future generations.

11 As proposed, the pipeline would negatively
12 impact many unique and vulnerable areas in Pine Orchard.
13 It would cross beneath Route 146, a state-designated
14 scenic highway. It would cut through the residential
15 neighborhoods of Pleasant Point and Juniper Point,
16 creating a permanent hazard for generations of children
17 who will be raised here. It would continue into the Sound
18 at one of our most ecologically sensitive points, just off
19 the coast of Pine Orchard, where shellfish are numerous
20 and the ecological balance is at risk. The pipeline would
21 cut through the land that is protected by the local Land
22 Trust and wreak havoc on the wetlands.

23 We believe that the impact on Pine Orchard
24 would be greatly disproportionate to any value the

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1 pipeline might bring. We also believe that there are
2 other viable options for locating the pipeline in such a
3 way that human and ecological damage could be minimized.
4 Accordingly, the Pine Orchard Association executive
5 Committee, the governing board of the Association, has
6 adopted the following resolution in opposition to the
7 Islander East Pipeline.

8 The Pine Orchard Association is strongly
9 opposed to the Islander East Pipeline proposal to build a
10 new 24-inch diameter pipeline from an existing gas
11 transmission facility in North Haven through portions of
12 Branford. We believe the pipeline would impact protected
13 wetlands, take over open space, threaten the ecological
14 balance in our shoreline community, disrupt residential
15 neighborhoods and devalue the land in Pine Orchard. We
16 hereby urge the United States Army Corps of Engineers to
17 reject this proposal.

18 Sincerely, Jennifer Aniskovich, President,
19 Pine Orchard Association."

20 MODERATOR ROSENBERG: Thank you ma'am.
21 Ladies and gentlemen, we will take a break now. As a
22 reminder, once again the stenographer will be available to
23 take your comments during the break without time limits.
24 Members of the media need to check in with Tim Dugan

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1 (phonetic). If you wish to find out where you are in the
2 cue, please give your names to Sally Rigione at the
3 registration table and she will have that information for
4 you prior to reconvening at approximately 10 after 9:00.

5 (Off the record)

6 MODERATOR ROSENBERG: The first speaker,
7 Jim Rutushni, will be followed by Frank Kinney.

8 MR. JIM RUTUSHNI: Good evening. My name
9 is Jim Rutushni. I represent the Shellfish Commission of
10 Branford, Connecticut. And I live on 39 Lanphier Road in
11 Branford, Connecticut.

12 "I am writing you to represent the views of
13 the Branford Shellfish Commission regarding the Islander
14 Pipeline East. We the Shellfish Commission, would like
15 the U.S. Army Corps of Engineers to deny Islander East
16 their permit under Section 404 of the Clean Water Act.

17 Furthermore, we entirely agree with DEP's
18 decision on July 29th on the Federal coastal consistency --
19 on the Coastal Zoning Management Act. We the Shellfish
20 Commission believe that the Islander Pipeline East would
21 significantly and adversely harm both designated and
22 undesignated shellfish beds in the Branford shellfish
23 grounds.

24 Designated beds would be harmed by the

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1 effects of the sediment from the construction.
2 Undesignated beds, through which the pipeline is proposed
3 to pass directly through would irrevocably degrade and
4 destroy these beds.

5 Clearly the shellfish grounds offer
6 valuable economic use for local fishermen with potential
7 revenues for the Town of Branford. Shellfishing in the
8 water -- the shellfishing is a water-dependent use from
9 this area and we'd like to keep it that way. The DEP
10 Commissioner, Arthur Rocque, and his denial based on a
11 consistency to Islander East, the Islander East Pipeline
12 is a non-water-dependent use of this area and should never
13 be permitted to supersede the shellfishing in the area.

14 So we the Shellfish Commission request that
15 the permit for the Islander East be denied. And thank you
16 for your time."

17 MODERATOR ROSENBERG: Thank you sir. Next
18 speaker, Frank Kinney will be followed by Gina R-I-V-E-Z-
19 Z-I.

20 MR. FRANK KINNEY: My name is Frank Kinney.
21 I'm a resident of Branford. I live at 42 Bradley Avenue.

22 I'm here tonight to state my opposition to
23 the Islander East Pipeline, which will run through
24 Branford. I agree with the denial by Connecticut DEP

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1 Commissioner, Arthur Rocque that Islander East Pipeline
2 would cause significant adverse impact to coastal
3 resources and water-dependent uses. He also stated that
4 the project's route would go through environmentally
5 sensitive areas.

6 I want to thank the Connecticut DEP for
7 maintaining a pro-environment and pro-community position
8 on this issue. I would suggest that the Army Corps of
9 Engineers suggest to Islander East that they look closely
10 at the Connecticut DEP denial and find an alternate route
11 that would be environmentally sound.

12 We heard a lot of comments here tonight,
13 all of which I agree with, and I think we're probably
14 going to hear a lot more along the same lines. And
15 without being too redundant, my issues basically three
16 issues, regarding safety, the environment and the damage
17 that's going to be caused by this pipeline to our
18 environment and the need. I don't see where the need for
19 this pipeline meets the standard that is required by the -
20 - your regulations in order to get it's approval. In my
21 opinion, the pipeline is purely a company looking for
22 super profits and thus fails to take Branford and other
23 town residents and businesses into consideration.

24 I really truly believe that your denial

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1 would be in order. Again, I want to thank you for your
2 attention to this matter in town.

3 MODERATOR ROSENBERG: Thank you sir. Next
4 speaker, Gina R-I-V-E-Z-Z-I, okay? Followed by Timothy
5 Brockett. Ma'am?

6 MS. GINA RIVEZZI: Hi. My name is Gina
7 Rivezzi. I live at 77 Cedar Lake Road and own and operate
8 a garden center at 1289 Foxon Road, Route 80, North
9 Branford and I'm directly impacted. The pipeline runs
10 directly through my property.

11 Since 1989 we have been effected in the
12 area by contamination that originated in the 1970's. Last
13 year's levels were in the 800's parts per million. Wells
14 had to be abandoned on Cedar Lake Road. My business
15 however is the most highly impacted. It's now 2003 and
16 the State is still trying to figure out how to get potable
17 water to the business. We cannot drink it.

18 My concern is that if blasting were to
19 occur in order to penetrate the bedrock for pipe
20 installation migration of the PEC plume would occur
21 effecting the public water supply. It seems this issue
22 has been ignored to prevent answering questions that do
23 not have an outcome conducive to pipeline installation.
24 The State DEP has 14 years of information. The area where

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1 the property is located is all rock ledge, it's across the
2 street from the Tilcon Quarry at our site.

3 Our family has been farming the area for
4 over 100 years and we know the area like the back of our
5 hands. We still do not have potable water and PCE is a
6 known carcinogen. We've lived this nightmare for 14
7 years. The problem is not correctable, it's been proven.

8 We're located in the public watershed area and the
9 contamination travels through the aquifers too sporadic to
10 even to determine. If this pipeline is allowed to
11 proceed, how many other will be without water? I know in
12 our case, 14 years is much, much too long.

13 I plead with the Corps to deny the Islander
14 East's permit and protect the residents' water supply.
15 Thank you for your time.

16 MODERATOR ROSENBERG: Thank you ma'am. The
17 next speaker, Timothy Brockett followed by Peter Brainerd.

18 MR. TIMOTHY BROCKETT: Good evening. My
19 name is Timothy Brockett and I'm a lifelong resident of
20 Branford. I come before you tonight speaking on behalf of
21 a rapidly growing group of people, who believe that the
22 Islander East Pipeline proposal holds many benefits for
23 the citizens of Branford and is an opportunity to help our
24 neighbors while strengthening our community. Our group,

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1 BranfordPipeline.com, has studied the Islander East
2 proposal, walked the route of the pipeline in Branford,
3 met with Islander East officials and listened to the
4 pipeline critics. You may see what we learned by visiting
5 our web site at BranfordPipeline.com.

6 We are concerned about the effects the
7 Islander East Pipeline would have on the abundant natural
8 beauty of Branford and the kind, considerate and
9 thoughtful individuals and organizations that our town is
10 equally blessed with. We seek a solution that would
11 preserve and enhance the twin blessings of our community.

12 The proposed route through Branford would
13 require 30 property owners to grant a permanent easement
14 for the pipeline right of way to Islander East. At
15 BranfordPipeline.com, we believe that the proposed
16 pipeline offers an opportunity for the Branford Land Trust
17 to extend their holdings and fulfill the latter half of
18 their mission statement. Many of the property owners
19 effected will only lose the use of a narrow ribbon of land
20 that abuts the railroad right of way. With an Islander
21 East compensation check in hand and the possibility of a
22 tax deduction for a charitable contribution, the property
23 owners might be quite responsive to donating their
24 affected land and perhaps a little more, to the Branford

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1 Land Trust.

2 The Branford Land Trust could promote our
3 community's appreciation of Branford's diverse natural
4 features by working with other civic groups and our
5 government to establish a four-mile long linear park and
6 nature trail. A linear park would enhance the natural
7 beauty of Branford and engage the kind, considerate and
8 thoughtful individuals and organizations our town is
9 equally blessed with.

10 MODERATOR ROSENBERG: Thank you sir. Thank
11 you. Our next speaker, Peter -- I believe it says, B-R-A-
12 I-N-E-R-O, is that correct?

13 MR. PETER BRAINERD: I'm Peter Brainerd, 15
14 Squaw Brook Road, Stony Creek. My family has been in
15 business in Stony Creek for the past 140 years and as
16 President of the Stony Creek Association I represent the
17 Executive Board of the Stony Creek Association and the
18 village of Stony Creek.

19 Stony Creek is vehemently opposed to any
20 proposal to place a pipeline under Long Island Sound.
21 This proposal is particularly objectionable because of the
22 highhanded manner in which it would devastate private
23 property and Land Trust open space despoiling fragile
24 wetlands and precious woodlands. It proposes to

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1 experiment with an untried diagonal bore under a major
2 boat channel through Stony Creek granite and then disturb
3 the bottom of the Sound across to Long Island. This
4 totally unneeded desecration of the waters off the Thimble
5 Islands will undoubtedly finish off the already tenuous
6 fishing, lobstering and shellfishing in this area.

7 Make no mistake, this project is driven by
8 corporate greed. This could be the ENRON of Long Island
9 Sound. There are alternatives that will do very little
10 damage to the environment. Islander East however, would
11 not make as much money by utilizing the existing Iroquois
12 Pipeline as they would by owning their own.

13 There's also considerable question whether
14 there is a vast supply of gas available as initially
15 thought. There is a question as to the actual demand and
16 need for this gas on Long Island. However, there is no
17 question that it would be bad for Connecticut, dreadful
18 for North Branford and Branford, totally unacceptable for
19 Pine Orchard and Stony Creek and a mortal blow to the
20 Thimble Islands and Long Island Sound.

21 Thank you for this opportunity.

22 MODERATOR ROSENBERG: Thank you sir. Next
23 speaker, David Carey, State of Connecticut, Director of
24 Bureau of Aqua-culture and Department of Agriculture.

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1 MR. DAVID CAREY: It's Carey. Sorry. I
2 came here tonight to speak on the marine construction
3 portion of the pipeline. However, listening to some of
4 the comments here, if there is a need for the pipeline, if
5 that's determined, it has to go somewhere. And the Bureau
6 of Aqua-culture we prefer it not be in the Sound or at
7 least in areas where there's shellfish and of course,
8 those in Branford and elsewhere know shellfish run almost
9 predominantly west to east.

10 So what poses a question that possibly
11 should be raised and looked at. The Iroquois line gives
12 us an opportunity 10 years after Iroquois in the marine
13 construction area there has not been success in the
14 restoration and mediation attempts. And the area isn't
15 available for commercial shellfishing. However, I believe
16 if you were to look inland on the majority of the wetland
17 crossing and restoration projects that were a part of the
18 Iroquois project, if a statistical analysis was done you'd
19 probably see that 10 years later that those projects were
20 successful and that those wetlands may not be what they
21 were pre-construction, but don't have the impacts that we
22 see in the marine environment.

23 And if that is true, and it is
24 statistically significant, that you can go through the

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1 wetlands in a narrow area, develop this pipeline you
2 should be able to take a land route that crosses
3 significantly more wetlands and achieve less impact on the
4 Sound. And so I guess the charge would be that someone
5 look at the Iroquois project and determine if that is
6 correct. And if that is correct, the least environmental
7 impact route would be a land route that would cross more
8 wetlands, but that would be able to be restored within 10
9 years and would not have the impact on the marine
10 environment. Thank you.

11 MODERATOR ROSENBERG: Thank you sir. Next
12 speaker Jared Cohane who will be followed by Barbara
13 Gordon.

14 MR. JARED COHANE: My name is Jared Cohane.
15 I'm an attorney from Eisenberg, Anderson, Michalik and
16 Lynch in New Britain, Connecticut representing Tilcon,
17 Inc. and the Branford Steam Railroad Company. I will
18 submit this for the record, but I'm going to briefly
19 summarize it for you.

20 "Tilcon, Inc. and the Branford Steam
21 Railroad Company are affiliated companies. They are the
22 owners and operators of a trap-rock quarry and a railroad
23 system extending from Tilcon's rock quarry in North
24 Branford southerly to Long Island Sound at Pine Orchard in

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1 Branford. The Branford Steam Railroad system and its
2 rights of way were established to provide an economical
3 and safe means of transporting Tilcon's stone to its Pine
4 Orchard Marine Terminal transshipping facility.

5 The proposed route of a new 24-inch high-
6 pressure natural gas pipeline uses the Railroad's property
7 and right of way as a shortcut to Long Island Sound. The
8 proposed pipeline enters the Sound from Tilcon's property
9 at Juniper Point. The Applicant's plan is to bisect the
10 navigational channel leading to and from Tilcon's Pine
11 Orchard terminal with this pipeline.

12 My clients are concerned that the location
13 of the pipeline next to the active railroad and across the
14 channel will post significant operational problems for
15 Tilcon and the Railroad. The placement of a high-pressure
16 gas line adjacent to the busy Railroad and in the travel
17 way of the barges and boats is a significant safety
18 concern.

19 Tilcon maintains a marine terminal basin
20 east of the loading facility where the barges are loaded
21 with trap-rock for transport by sea. This navigation
22 channel is approximation 80 feet wide and 1.5 miles long
23 and extends out into the Sound. This channel is
24 maintained and dredged on a regular basis to allow its use

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1 by our tugs and barges serving the Marine Terminal.

2 The dredging process requires -- the
3 dredging machine, a floating platform to sink three large
4 spuds down into the bottom of the Sound to make a stable
5 work platform in the areas dredged. The Applicants are
6 aware of Tilcon's marine activities and the ongoing need
7 to dredge and maintain this basin and navigational
8 channel. Unless the pipeline is located in the bedrock,
9 below the Sound's bottom, it would be subject to the
10 constant threat of rupture and damage from the ongoing
11 dredge and barge operations.

12 So if you determine that it is appropriate
13 that this project be permitted and this pipeline is to be
14 installed across Tilcon's marine basin or navigational
15 channel, it can only be located in the bedrock as
16 represented by Islander East. The safety and welfare of
17 Tilcon and it's neighbors permits no other alternative.
18 Any permit should contain a condition that requires the
19 installation of the pipeline 85 feet below the Sound's
20 bottom. Thank you.

21 MODERATOR ROSENBERG: Thank you sir. Next
22 speaker Barbara Gordon followed by Johan Varekamp.

23 MS. BARBARA GORDON: Good evening. My name
24 is Barbara Gordon. I live in West Hartford, a landlocked

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1 community, so I can never be accused of being a NIMBY.
2 However, I'm thinking about moving down here.

3 I'm the Executive Director of the
4 Connecticut Seafood Council and I also serve as
5 coordinator of the Long Island Sound Action Coalition,
6 which is a group of concerned Connecticut citizens who
7 share a common goal, which is the protection of Long
8 Island Sound. The fifth annual report of the Bureau of
9 Labor Statistics of the State of Connecticut for the year
10 ending November 30th, 1889 printed by order of the
11 Legislature stated that, quote, "The fisheries of
12 Connecticut are old and important." End quote.

13 In 2003 the fisheries of Connecticut are a
14 little older, but no less important. In 1889, according
15 to the report, the best fishing grounds included those in
16 Long Island Sound. In 2003 that importance has not
17 diminished. Long Island Sound still is home to a superior
18 fishing industry.

19 Long Island Sound is a treasured source of
20 both shellfish and fin fish. The Islander East Pipeline
21 is an affront to an industry which depends economically on
22 clean waters in which to fish and it is an affront to
23 everything we hold dear environmentally. Plans for
24 Islander East are a blatant violation of the intent of the

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1 public trust we have inherited from those who came before
2 us. It is now our turn to watch over that trust.

3 Long Island Sound must not become a victim
4 of corporate greed, self-serving untruths and scare
5 tactics. The true fisherman does not want to be bought
6 out or bought off. He or she is committed to the
7 continuation of a difficult, but honorable life upon the
8 Sound providing not only a livelihood, but a wonderful
9 source of food and a future for generations of fishermen
10 to come.

11 Please help us preserve Long Island Sound
12 and our industry. Please deny the petition of Islander
13 East. Thank you very much.

14 MODERATOR ROSENBERG: Thank you ma'am.
15 Next speaker, Johan Varekamp followed by Larry Williams.

16 MR. JOHAN VAREKAMP: My name is Johan
17 Varekamp and I'm from Durham, Connecticut and I'm not
18 standing in front of you to voice my personal opposition,
19 I'm standing here as a concerned scientist. I'm a
20 professor of Earth and Environmental Sciences at Wesleyan
21 University and my expertise is in contaminants burdens of
22 Long Island Sound sediments and water quality issues in
23 coastal salt marsh studies. I have read the Environmental
24 Impact Statement and I'd like to make four points.

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1 This is in addition to the many
2 shortcomings that Arthur Rocque so excellently expressed
3 in his letter of the last week. The first one is in the
4 Environmental Impact Statement there's reference to
5 contaminant study by Mecray and Buchholtz and Brink that
6 was published in the Journal of Coastal Research. I was
7 the reviewer of the paper, I was the editor of the
8 Journal, I know his work extremely well. They refer to
9 the contaminants of the upper two centimeters of the Sound
10 sediment. The trench, as we all know, will be a lot
11 deeper and many of the deeper sediments are much more
12 contaminated than the surface sediments. So using the
13 surface sediment layer as a reference is questionable.

14 Second, the contaminants in the sediments
15 are associated with the fine-grained material in sediment.

16 Once we roll off the sediment, we dredge it, we dispose
17 it, it's a fine-grained material that will travel and be
18 deposited over a large area. This fine-grained material,
19 that's the stuff that carry the contaminants and has much
20 higher contaminant levels than the bulk sediments. Using
21 the bulk sediments are a reference, discretionary at best.

22 A risk that is not discussed in detail in
23 the impact statement is the potential occurrence of
24 Harmful Algal Blooms during sediment disturbances. It's

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1 been well documented that during major storms on the east
2 coast Harmful Algal Blooms occur during sediment
3 dispersal. And these are cysts that live in the sediment
4 and when they are rolled up they come to life and form
5 blooms. These algae are toxic to human beings and when
6 taken up by shellfish these are no longer fit for human
7 consumption.

8 Fourth, but not last, we have worked
9 extensively in the Branford area in the Farm River marshes
10 and we have collected evidence that this region may carry
11 more seismic risk than neighboring regions. The eastern
12 border fault is the major structural lineament in
13 Connecticut crosses under the Farm River and our detailed
14 seismographic studies have shown that there have been
15 repeated off-sets in that area of several thousand
16 centimeters over the last two and a half thousand years.

17 We have --

18 MODERATOR ROSENBERG: Thank you sir.

19 Please make sure that your entire statement gets into the
20 record. Sir, please make sure your entire statement gets
21 into the record. The additional stenographer will be
22 happy to take that for you. Next speaker, Larry Williams
23 followed by Carmela Cuomo. Larry Williams, 68 Harbor Edge
24 Drive, Milford? Carmela Cuomo?

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1 MS. CARMELA CUOMO: Hello. I thank you for
2 the opportunity to speak to you. My name is Carmela
3 Cuomo. I'm a research associate -- research scientist at
4 Yale University in the Department of Geology and
5 Geophysics and I head up the Undergraduate Marine Biology
6 program at the University of New Haven.

7 I'm a resident of Hamden, so I too speak to
8 you not so much as a citizen of Branford, but as a
9 concerned scientist whose area of expertise is on sediment
10 geochemistry, benthic-biological coupling to sediment
11 geochemistry and hypoxia in anoxic environment and I work
12 especially in Long Island Sound.

13 I have several points and serious doubts
14 that I would like to discuss with you. I will be
15 submitting a written statement. I have read the draft
16 Environmental Impact Statement, the full Environmental
17 Impact Statement and the subsequent modifications to the
18 plan that Islander East has submitted and I have some
19 serious questions about several of the things that are in
20 there. First of all, the geochemical considerations are
21 not adequately addressed at all. As Johann Verakamp just
22 mentioned when you stir up the sediments, the contaminants
23 that are in the sediments will be released into the
24 overlying water.

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1 My concern is that not only will they be
2 released, but they are in a chemical state called being
3 reduced, they are in an anoxic environment. Metals, which
4 Islander East in their few times that they did sample,
5 their geochemical samplings said that they found evidence
6 of silver, cadmium, calcium, chromium, copper, manganese,
7 nickel and lead and zinc. And according to their -- their
8 EIS does state that they actually were above threshold
9 levels at the few sites that they did sample. If you then
10 stir this up and oxygenate it, those metals are going to
11 come off of many of them. They going to become bio-
12 available and you're going to have problems.

13 My second concern the benthic-ecology.
14 Their benthic-ecologist speaks of recovery times, well, it
15 is well known by all benthic-ecologists, myself included,
16 that recovery times are not an absolute science. We have
17 not actually been able to come up with a qualitative or
18 even a quantitative model that can adequately address
19 recovery times in benthic soft grain systems such as you
20 have in Branford. So we do not know.

21 The best thing that we can look at is what
22 happened in Milford where the Iroquois line was laid. 10
23 years later those systems still have not recovered. So it
24 is somewhat preposterous to assume that somehow

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1 miraculously it's just going to happen in a year in
2 Branford.

3 My third point is that I just finished
4 working on why the lobsters died in western Long Island
5 Sound and one of the major reasons influencing that seems
6 to be the fact that the area here is experiencing warming
7 of the waters, it's a climatic change. We are now
8 coupling a climatic change to an otherwise already
9 environmentally stressed system. When you do that, we
10 don't even understand the environmental stressers on the
11 Sound adequately enough to understand what's happening.
12 You couple that to environmental change and it's a whole
13 new ballgame and that's primarily one of the things that
14 killed the lobsters.

15 So we're just trying to figure it out for
16 western Long Island Sound and you're going to take an area
17 in central Long Island Sound, dig up a whole bunch of
18 other environmental stressers, couple that with an
19 environmental forcing function, such as global change, and
20 you have a mess that no scientist is going to be able to
21 predict.

22 So I urge you --

23 MODERATOR ROSENBERG: Thank you very much.

24 Next speaker, Richard Donohoe, who will be followed by

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1 George Case.

2 MR. RICHARD DONOHOE: Richard Donohoe, 23
3 Tweed Road. We've been -- my family and I have been
4 neighbors of the railroad for about 30 years and I would
5 like to address the question of safety. As you indicated
6 Colonel, that is one of the charges that you have to look
7 into.

8 The question of what happens at the
9 terminus has been handled very nicely by the
10 representative of Tilcon, so I would like to simply
11 address what happens along the train track. Please know
12 that in the last 15 years in our country we've had 3,184
13 incidents, accidents, in gas pipelines, which have cost
14 America the lives of 328 people.

15 Tilcon in it's submission to the
16 Connecticut Siting Council in 2002 stated the following.
17 Despite all the precautions employed by Tilcon and the
18 Railroad to prevent accidents they occasionally occur.
19 Trains weighting 4,000,000 pounds derail and damage the
20 track system and surrounding areas. Tilcon Railroads
21 ongoing maintenance and improvement projects require that
22 the full width of the right of way be available to allow
23 the restoration of tracks and other facilities, or to
24 allow the repair of derailments and spillage resulting

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1 from derailments.

2 Tilcon requires the unfettered ability to
3 use the entire width of the right of way in the operation
4 and maintenance of the rail system. The endemic
5 construction and maintenance of the pipeline along the
6 railroad tracks poses serious safety concerns. The right
7 of way is too narrow to accommodate the railroad operation
8 and the pipeline. In short, the pipeline and the railroad
9 cannot safely co-exist on this narrow, single purpose
10 piece of property. There are better, safer and less
11 invasive options available to the Applicant for it's
12 pipeline.

13 I verified last week that this is still the
14 position of the Company. Sometime last year the patriots,
15 who run Islander East, submitted to the Department of
16 Commerce, that the Department of Commerce, the Federal
17 Department of Commerce should overcome the Connecticut
18 Environmental Department (indiscernible) ruling against
19 their project stating as an issue the question of national
20 security. The Department of Commerce very wisely bucked
21 it over to the Department of Defense, the Pentagon. And
22 on April 29th of this year a Mr. Philip Grone, who is the
23 Deputy Undersecretary of Defense responded to the
24 Department of Commerce as follows.

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1 "We have reviewed the appeal and cannot
2 conclude that a national defense or other national
3 security interest would be significantly impaired if the
4 project were not permitted to go forward as proposed."

5 Now, Mr. Grone reports to Mr. Rumsfeld, who
6 reports to President Bush. Don't we have a great country?
7 Thank you.

8 MODERATOR ROSENBERG: Thank you sir. Next
9 speaker, George Case will be followed by Gail Kleinman --
10 Kineman.

11 MR. GEORGE CASE: I'm George Case. I live
12 in North Branford. I am not a scientist, I am an
13 observer. And I observe a clear context of the North
14 Branford town government in a property, cash and other
15 relationship with Tilcon. Secondly, Tilcon had property
16 who's got a building permit for Islander East.

17 I think we should refer the whole matter to
18 the Attorney General for action. Thank you.

19 MODERATOR ROSENBERG: Thank you sir. Our
20 next speaker, Gil Kelman, maybe? 15 Halls Point Road,
21 Stony Creek? Bill Horn? Mr. Horn will be followed by
22 Loretta Fox.

23 MR. BILL HORN: I'm Bill Horn. I live at
24 246 Pleasant Point Road and I'm speaking tonight as past

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1 President of the Land Trust. I've had a lot to do with
2 following this pipeline.

3 I'm going to depart from what I'd planned
4 to say to deal with a couple of things. One that Mr.
5 Reinemann talked about, the restoration plan that has been
6 developed through consultation with the Land Trust for
7 Land Trust properties. Restoration is a tricky word. I
8 think what we've developed is a plan, which if it works as
9 we hope will keep the right of way on Land Trust
10 properties from turning into the weed patch that the
11 Algonquin right of way in North Branford has turned into.

12 It's a poster child for invasive species. I hope we can
13 prevent that from happening.

14 The property will not be restored to what
15 it is now. We're losing trees that are probably 100 or
16 150 years old. Even in the work areas where they'll be
17 allowed to re-grow, I won't see them, my kids won't see
18 them, my grandkids probably won't see them. We're not
19 restoring the area.

20 The other thing has to do with Mr.
21 Brockett's suggestion about a -- I believe he said a
22 linear walking path. We had actually considered the
23 possibility of trying to work something like that out.
24 One of the problems is that, as was pointed out in the

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1 Blue Ribbon Commission report, the pipeline snakes its way
2 back and forth across a working railroad. It's very
3 difficult to conceive from a safety point of view how that
4 would work as a walking path.

5 It also follows the wetlands because it's
6 easier to go through wetlands than it is to go through
7 rock. And so you can't have a walking path in sensitive
8 habitats like wetlands. So as much as we appreciate Mr.
9 Brockett's suggestion I think it's something that we would
10 probably not be able to work out. Thank you very much.

11 MODERATOR ROSENBERG: Thank you sir. Next
12 speaker, Loretta Fox followed by John Wilson.

13 MS. LORETTA FOX: Good evening and thank
14 you for coming to Branford to listen to our concerns. My
15 name is Loretta Fox. I live in the Stony Creek section of
16 Branford at 15 Long Point Road.

17 I would like to address the perception that
18 the opposition to this pipeline project is strictly a case
19 of NIMBYism and not in my backyard. I present to you
20 documents that support the fact that there are other ways
21 in which the Long Island Sound is receiving support.

22 The DEP has had a Coastal Zone Management
23 Act for over 20 years. One of the things the state has
24 implemented is the Long Island Sound License Plate

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1 Project. In fact, one of the early benefits of that is
2 the Branford Trolley Track Footbridge, which received
3 \$25,000 because the DEP thought that visitors to the
4 footbridge could expect to see numerous shorebirds in
5 tidal estuaries, feeding in the marsh or wading in the
6 shallow water. This marsh then is the one that is being
7 impacted.

8 Also in 1989 the Connecticut General
9 Assembly established the Long Island Sound Assembly. They
10 receive funds and their purpose is to improve Long Island
11 Sound. I have copies of their newsletter and their
12 reports to the State.

13 The USEPA has the Long Island Sound Office.

14 They have a program called the Long Island Sound
15 Programs. They partner with New York to try to restore,
16 protect and enhance Long Island Sound. The Long Island
17 Sound Foundation, formed in 1962, that group also produces
18 a -- well, this year -- I know my light's going to turn
19 red, but this is the book that they provide, which is a
20 book of resources, which I borrowed from my library
21 telling every way in which you can work to help Long
22 Island Sound, all the organizations. And they wanted us
23 to get involved and that's what we've done.

24 And the last is the U.S. has created the

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1 Oceans Act of 2000. It was entered at the time of the
2 Clinton administration and they have select members like
3 Robert Ballard on their committee and they're going to be
4 doing a report on a three-year study this fall. So I
5 submit that it seems that there is more than just this
6 small elite group of people from Branford who care about
7 the precious resource we call Long Island Sound.

8 MODERATOR ROSENBERG: Thank you ma'am.
9 Next speaker, John Wilson, he'll be followed by Joseph
10 Dendis.

11 MR. JOHN WILSON: My name is John Wilson. I
12 live in Stony Creek. I am speaking to ask that you deny a
13 permit to Islander East and that you support the
14 determination by the Connecticut Department of
15 Environmental Protection. This project is not consistent
16 with Connecticut's Coastal Shore Management Program. The
17 proposed Islander East Pipeline is neither indispensable
18 or necessary as there is an alternative route that is
19 shorter, safer, and less damaging to the environment.

20 In addition, it is highly questionable that
21 there is a market demand for their product. The existing
22 environmental protection laws should not be corrupted to
23 provide compensation for political contributions by the
24 energy industry. Imminent domain should not be used to

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1 create terrorist targets. A natural gas pipeline buried
2 in three feet of dirt is a vulnerable terrorist target.
3 How is the current administration and it's war on
4 terrorism going to stop a terrorist with a small shovel
5 and a radio controlled detonating device?

6 In my opinion, building this pipeline next
7 to a school should be a criminal offense. Please ensure
8 that human safety, the Connecticut shoreline and the
9 waters of the Long Island Sound are preserved and
10 protected for future generations. Please deny a permit to
11 Islander East. Thank you.

12 MODERATOR ROSENBERG: Thank you sir. Next
13 speaker, Joseph Dendas followed by Andrea Wilson.

14 MR. JOSEPH DENDAS: My name is Joe Dendas.
15 I live on 15 Pleasant Point Road in Branford, which is
16 about two football fields away from where they plan on
17 putting the pipeline.

18 As a former member of the U.S. Army Corps
19 of Engineers I stand before you. I'm not a scientist.
20 I'm not a doctor. I'm not a teacher. I'm not a tree
21 hugger. But I can tell you that I don't want this going
22 through my backyard and I know my neighbors don't. I feel
23 this is detrimental to the environment for where we live
24 and I think it is also a safety hazard. I have an eight-

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1 month-old daughter and I know a lot of my neighbors have
2 families in the area.

3 Islander East I believe is just a
4 corporation that's trying to make profits from putting
5 this pipeline through Long Island Sound and we've had a
6 lot of people here tonight that are against this. Myself
7 also. The other thing is that I know being in the Army
8 Corps of Engineers, and I know that you all there know
9 that this is not going to be a safe type of endeavor here.

10 And I hope that you all vote against this and I know that
11 I'm against this and I know that the people in the town of
12 Branford and the State of Connecticut are against this.
13 Thank you.

14 MODERATOR ROSENBERG: Thank you sir. Next
15 speaker, Andrea Wilson, to be followed by Chad Lyons.

16 MS. ANDREA WILSON: Good evening. My name
17 is Andrea Wilson. I reside in Stony Creek, Connecticut.
18 Thank you very much for this opportunity to speak to you
19 this evening.

20 I am speaking in opposition to the proposed
21 Islander East Pipeline through Branford. I oppose it for
22 the following reasons. One, there is a shorter route for
23 the pipeline. Two, there is a safer route for the
24 pipeline. It is unconscionable to even consider placing a

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1 high pressure natural gas pipeline adjacent to a school.
2 The route of the proposed pipeline is past Whitewood
3 School and takes no measures to protect the children.
4 This route was chosen because it was more profitable than
5 using the existing pipeline in Milford.

6 Recently, in Jeffersonville, Kentucky a
7 natural gas pipeline, similar to the one proposed through
8 Branford, exploded. In that fire acres were scorched and
9 because of the pressure in the pipeline it took several
10 hours for the flames to be brought under control. I would
11 like you to try to imagine just what would happen to
12 school children 70 feet away from a ball of fire 1,000
13 feet in the air that is hot enough to melt sand? In my
14 opinion, building a high pressure gas pipeline next to a
15 school cannot be morally justified.

16 Three, there is a less environmentally
17 damaging route for the pipeline. In conclusion, to date
18 there has been no proof that the pipeline is either
19 indispensable or necessary. The proposed pipeline through
20 Branford is not about eminent domain, it is about greed.
21 This pipeline is a safety and environmental disaster and
22 needs to be stopped now. Thank you.

23 MODERATOR ROSENBERG: Thank you ma'am.

24 Next speaker, Chad Lewis, who will be followed by Charlene

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1 Granata.

2 MR. CHAD LYONS: That's Chad Lyons. My
3 name is Chad Lyons. I'm a long-time resident of Branford
4 and I've been asked to read a letter here and submit some
5 documentation for John Barkley, who is a doctor from the
6 Wildlife Conservation Research Center up at UConn.

7 It says, "I am writing to express my
8 concern about potential impacts of the Islander East
9 Pipeline on greater scaup ducks and their habitats in
10 Branford. I was a long-time resident and recent property
11 owner in Branford and am very familiar with the proposed
12 sites. As a professional waterfowl biologist and
13 Associate Professor of Wildlife Ecology at the University
14 of Connecticut, I have done extensive research on these
15 ducks and their habitats in both Pine Orchard and Short
16 Beach as well as other location. I have read text and
17 examined maps depicting the location, description and the
18 Applicant's table of generalized potential environmental
19 impacts of the proposed Islander East Pipeline via Pine
20 Orchard and the alternate via Short Beach."

21 There's a lot of technical background, but
22 I'll go onto his summary.

23 "Pipeline impact. A copy of information
24 provided by the Applicant indicates there is some

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1 ambivalence as to just what pipeline installation
2 techniques will be used in any given site. Since massive
3 granitic bedrock and shallow glacial till overburden are
4 major components of Kelsey Island and Short Beach,
5 pipeline installation would seem to pose serious
6 ramifications for the existing habitat for greater scaup
7 and their food resources. I believe that any major
8 disturbance of sediments presents risk to existing or
9 future scaup and other wildlife food resources in that
10 embayment.

11 If pipeline installation occurs in colder
12 months when migration and wintering birds are normally
13 present, the disturbance from installation and human
14 activity is expected to keep the birds from accessing
15 essential food resources, deprive the birds from shelter
16 afforded by the shoreline during northerly winds. Wind
17 direction and strength, stage of tide, coastal currents
18 and occurrence of storms influence where, to what extent,
19 and what kind of biological effects from site disturbance
20 will occur on other habitats adjacent to or near the
21 actual disturbance site."

22 MODERATOR ROSENBERG: Thank you sir.

23 Please submit --

24 MR. LYONS: I'll submit this and some other

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1 documents.

2 MODERATOR ROSENBERG: Thank you sir. Next
3 speaker, Charlene G-R-A-N-A-T-A, followed by Stacey Rhine.

4 MS. CARLENE GRANATA: Good evening. My
5 name is Carlene Granata. I live at 50 Winding Forest
6 Drive in North Branford. I am here tonight as an impacted
7 landowner and I am opposed to the Islander East Pipeline.

8 This pipeline is proposed to go through my
9 backyard. We have woods behind our home, which act as a
10 natural buffer between us and a heavy industrial area. If
11 the pipeline goes through there will be a 75-foot wide
12 foot strip of trees cleared. It'll take Islander East 30
13 minutes to cut down and destroy what took 30 years to
14 grow. They plan to replace the 80-foot trees with grass
15 seed. This will expose my home and my family to the
16 industrial area. Then not only will we be forced to see
17 and hear all the sights and sounds of Blakesley, Tilcon
18 Railroad train and other business, all the dirt and dust
19 which the trees now filter out will come through my yard
20 and will contribute to health issues as my husband has
21 asthma.

22 Also, my husband and son are amateur
23 astronomers and the light intrusion from the company's
24 nightshifts will eliminate their hobby at home. We're

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1 also members of the Cedar Lake Association. There's 144
2 families surrounding the lake area who have deeded lake
3 rights. The neighborhood children play there and swim in
4 the lake. Cedar Lake feeds Lindsey Lake, also in North
5 Branford, which feeds a supply pond in Branford. If the
6 ground is blasted to lay pipeline in the contaminated area
7 documentation states that the contamination will spread
8 and may reach Cedar Lake, which will spread to Lindsey
9 Lake and then to the supply pond. Contamination will kill
10 plant life, biological life and wildlife in the three
11 areas.

12 As bad as that would be I am more concerned
13 about what would happen to our children who swim and play
14 in the contaminated lake. Will we not know the
15 contamination has spread until the fish and wildlife die
16 or until our children get sick? And who will be held
17 accountable for this travesty?

18 This pipeline route is residential and
19 invades people's homes and their lives. The devastation
20 of this poorly planned project will be felt for years to
21 come. Future generations will inherit it's aftermath, but
22 once the damage is done the destruction and devastation
23 cannot be reversed or repaired.

24 This room tonight is filled with very

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1 intelligent and well-informed people. There have been
2 numerous hearings, meetings and rallies with hundreds and
3 thousands of people and petition signatures and the
4 message is always the same, stop the pipeline. How can so
5 many people speak so well and have such valid concerns of
6 opposition and Islander East still continues to try to
7 push this project through? You need to ask yourselves, if
8 this is such a good thing, why are all of these people
9 continuing to give of themselves and their time to fight
10 it? These people are not fighting for a large bottom line
11 dollar profit, or for large corporate success, or for
12 political advancement. They are fighting to maintain
13 their quality of life, the integrity of their homes and
14 the safety, health and well being of their families.

15 In closing, we are asking you tonight for
16 your support in helping us to maintain what is valuable to
17 us and what we have all worked so hard for. Please do not
18 fall victim to their pressures of big business and
19 politics. Please do the right thing. Please stop the
20 pipeline.

21 MODERATOR ROSENBERG: Thank you ma'am.
22 Next speaker, Stacey -- it's either Rhine or R-U-W-E
23 maybe? 15 Watershed Road. Ruth Ann Gault, or Gault,
24 Trumbull, Connecticut?

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1 MS. RUTH ANN WIESENTHAL-GAULT: Hi. It's
2 Ruth Ann Wiesenthal-Gault. Do you need me to spell it?

3 MODERATOR ROSENBERG: No, no.

4 MS. WIESENTHAL-GAULT: Okay. I'm from
5 Weston, Connecticut, also a landlocked community. "I'm
6 here tonight as a proud member of the Long Island Sound
7 Action Coalition and in my capacity as President of the
8 Woodlands Coalition. The Woodlands Coalition is a grass
9 roots organization of more than 5,000 members whose goals
10 it o protect the environment of Connecticut. Long Island
11 Sound is a critical part of that environment. There are
12 many who would bifurcate the uplands from the cross Sound
13 issues. This must not and cannot be done. Our presence
14 here tonight is demonstration of that.

15 There are many who -- there are many who
16 have, because of their love of their State and Long Island
17 Sound, the ability to speak with knowledge, experience and
18 great passion. They will in the most articulate way
19 possible state the facts. Consider me, if you will, the
20 voice of the many who follow this issue with concern and
21 yet are not certain what they as individuals can do to
22 stem the tide of the destruction of our environment for
23 the sake of the utilities companies.

24 In your consideration of this file we ask

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1 that you answer these questions. Isn't it likely that
2 construction of the pipeline will cause unacceptable and
3 irreparable damage to coastal and marine resources in an
4 area of exceptional marine habitat diversity? Are there
5 other alternatives, which could provide increased supplies
6 of gas to Long Island at less environmental cost? Isn't
7 it the case that the Department of Defense and the U.S.
8 Army Corps of Engineers have in their comments stated that
9 there is no national defense or security issues identified
10 by the Applicant that would in some way be harmed?
11 Finally, isn't it a reality when I ask, is this an
12 application based on the imagination of a company who
13 would create a demand where there is none and misrepresent
14 the pipeline system?

15 It has always been the goal of the
16 Woodlands Coalition to search for balance. As we began to
17 more closely examine the issues before you tonight we
18 began to have a better clarify of the position in which
19 you find yourselves. The district ACOE analysts are on
20 record pointing out several times that they are required
21 to deny permits to projects that are not the least
22 environmentally damaging alternative. FERC acknowledges
23 that there is a different route that is less damaging.

24 This leaves you too facing that same

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1 challenge, how to find balance. Islander East is pushing
2 ahead with their project with the support from FERC and
3 the Bush/Cheney energy team. That makes your search for
4 balance all the more difficult. Sometimes the balance is
5 found in going to the other extreme. Someone must take a
6 stand to protect the environment, the people and the
7 Sound. You are in the position to do just that, we look
8 to you for the positive solution. Thank you."

9 MODERATOR ROSENBERG: Thank you. Next
10 speaker, Ken Warner to be followed by Jerry Shaw.

11 VOICE: Ken Warner left.

12 MODERATOR ROSENBERG: Ken left. Jerry
13 Shaw? Kiki Kennedy?

14 MS. KIKI KENNEDY: My name is Kiki Kennedy
15 and I'm the spokesperson for Connecticut Stop the
16 Pipeline. I'm also a resident of Branford and a Board
17 member of two non-profit organizations, Save the Sound and
18 Connecticut Fund for the Environment. And I want to thank
19 everyone for coming tonight.

20 I hope that the Corps recognizes that this
21 has really been a phenomenal turnout considering how
22 confusing the permit application is as well as the
23 vacation situation for people during the summer. I also
24 want to extend our deepest thanks to Commission Arthur

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1 Rocque and his dedicated staff for their diligent work and
2 thorough review in issuing the second denial of Federal
3 consistency last week. And thank you to the Corps for
4 holding this public hearing and allowing us to express our
5 concerns directly to you.

6 Connecticut Stop the Pipeline is a
7 grassroots organization founded in 2001 in response to the
8 Islander East Pipeline Project. As part of the Long
9 Island Sound Action Coalition our mission is to protect
10 Connecticut and Long Island Sound from all cross Sound
11 energy projects. Notably, in October 2002 Connecticut
12 Stop the Pipeline was awarded an environmental leadership
13 award from Connecticut Fund for the Environment.

14 Right now I'd like to submit to the record
15 one copy of the 5,577 signatures collected during our
16 petition drive, which ran from August 2001 to mid-November
17 2001. The original petitions are in safekeeping, but can
18 certainly be made available for inspection by the Corps if
19 requested. These signatures demonstrate the opposition of
20 thousands of shoreline citizens to the Islander East
21 Pipeline Project. Our opposition arises because of strong
22 concerns about the environment, economic and safety
23 impacts the pipeline will have on Connecticut and Long
24 Island Sound. These have been already strongly detailed

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1 here tonight.

2 There are three other serious concerns that
3 have arise since our petition drive. Alternatives, we
4 respectfully request that you the Corps work to ensure
5 that a complete analysis of all alternative routes,
6 including non-cross Sound routes is performed. Cumulative
7 impacts, we're concerned that Islander East has approached
8 this project in a piecemeal way in order to under-
9 represent the full environmental impacts of their
10 preferred route. We believe that upgrades to the
11 Algonquin system where it connects with Islander East in
12 North Haven will be required and as such, a part of the
13 full environmental review by the Corps.

14 Thirdly, Islander East's treatment of the
15 data, many requests for more data and information have
16 gone unheeded for over two years. For example, the final
17 copy of Dr. Bowen's sedimentation report from 2002 in
18 June. Second, information has been misrepresented and/or
19 studies and surveys and testing are flawed or inadequate.

20 Witness Jonathan Waters and the ludicrous assertion that
21 there are no oysters in the Sound. And information and
22 real motives are concealed. The best example of that is
23 the recent offshore dredge disposal permit amendment filed
24 by Islander with your Agency on July 29th, 2003. I will

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1 detail that in my written submission.

2 In summary, I'm frustrated with Islander
3 East's persistent evasion of our questions, non-disclosure
4 of information and misrepresentation of data and we're
5 looking to you, the U.S. Army Corps of Engineers to hear
6 our concerns, protect our community and get Islander East
7 to answer our questions and hopefully deny the Islander
8 East Pipeline Company their permit. Thank you.

9 MODERATOR ROSENBERG: Thank you ma'am.
10 Jerry Shaw, who will be followed by Tim Reiner.

11 MR. JERRY SHAW: Yes. My name is Jerry
12 Shaw. I'm from Stony Creek. I had the privilege of
13 representing the Connecticut Fund for the Environment on
14 the Long Island Sound Task Force and I have submitted
15 under separate cover a copy of the Task Force report,
16 which I think you'll find of interest, because it
17 represents a significant effort by the State of
18 Connecticut in several aspects.

19 Number one, it creates an energy planning
20 organization. As you know, FERC is not a planner. They
21 have a statement on their web site that they do not plan,
22 that they depend upon the proponents of the pipeline or
23 the energy to provide a sort of a de facto plan based on
24 economic issues. And what I would like to suggest to the

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1 Corps is that they look at the Task Force results and I
2 would just like to read a conclusion based on the Task
3 Force results that I think you will find of interest.

4 "Without the benefits of a prudent
5 regionally derived energy plan the consideration of any
6 project that crosses Long Island Sound is premature. We
7 have been forced by FERC to consider Islander East as part
8 of a de facto regional energy plan based only on market
9 forces and the strategic business plans of Duke and
10 Keyspan. However, absent Connecticut's future resolution
11 of this issue, and I point again to the Task Force
12 results, I believe that Long Island Sound Task Force
13 report conclusions support the efforts of the Army Corps
14 of Engineers in it's consideration of all system
15 alternatives which have fewer significant environmental
16 impacts under provisions of the Clean Water Act."

17 I point out that the Task Force has also
18 recommended the creation of marine protected zones and I
19 believe that there was legislation introduced this past
20 year designating the waters of the Thimble Islands as a
21 protected zone. Thank you very much.

22 MODERATOR ROSENBERG: Thank you sir. Next
23 speaker, Tim Raynor followed by Annie Upson.

24 MR. TIM RAYNOR: Wow. Can you imagine

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1 this? U.S. Senators, Congressmen, Congresswomen, State
2 Senators, State Reps., a First Selectmen, people from Yale
3 University, some of the brightest minds in the world,
4 Wesleyan, University of Connecticut. I'm awed. We
5 started this about two years ago and the reason I got
6 involved is it's going to effect me personally.

7 I live on Pepperwood Lane with my wife and
8 my two daughters and in my backyard Bill Horn and his
9 group, they bought some Land Trust property. So my first
10 concern is, I'm not ashamed to say at all, not in my
11 backyard. Why? Safety. Hundreds of people have died
12 because of pipelines. It's going to be within 50 yards of
13 my property line.

14 Not in my backyard. Why? I can sit on my
15 deck, coyotes, deer, turkey, raccoons, skunk, chipmunk, it
16 all comes through. So I can probably say, not in my
17 backyard, please. Why? What am I going to leave my
18 children? What kind of legacy, what type of story, what
19 kind of lesson am I going to leave my children if I say
20 it's okay for a limited liability corporation, that's not
21 based in Connecticut, that has no long-term interest in my
22 state, in my community, has no long-term interest in my
23 family to come in and to force their will upon us Yankees?
24 Boy, did they know what they were getting into a couple

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1 of years ago when they said they were going to do this? I
2 don't think so.

3 So I'm proud to say, please not in my back
4 yard. Thank you.

5 MODERATOR ROSENBERG: Thank you sir. Annie
6 Upson followed by David Perkins.

7 MS. ANNIE UPSON: Good evening. My name is
8 Annie Upson. I live at 25 Cadwell Place, Branford.
9 First, I'd like to thank the Corps for listening to our
10 concerns.

11 I have a personal interest in stopping the
12 pipeline as the pipeline will go through the property of
13 my family's in North Haven destroying the property and
14 decreasing the value of this farmland and open space. I
15 have three main reasons why I'm against the pipeline.
16 One, the destruction to the environment and the ecology.
17 Two, the alternate safer and shorter route being available
18 and three, the manner in which Islander East approached
19 the elderly farmers in North Haven to obtain signatures to
20 allow them to survey the existing gas company pipeline
21 area for expansion.

22 Representatives from Islander East
23 approached these elderly people with statements like, the
24 Federal government has already agreed to this project.

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1 There is nothing you can do about it. This is a done
2 deal. They also said, you will need to sign or you will
3 be sued by Islander East and the government. When I
4 explained to the representative that what she was stating
5 to my mother was untrue, as there was no permit given to
6 Islander East from the U.S. Army Corps of Engineers, she
7 related that she would have to get back to me and never
8 contacted myself or my mother.

9 In my opinion, I find the business
10 practices of Islander East with the community unethical,
11 unprofessional and immoral, constituting elder abuse and I
12 thereby request that you deny the permit to Islander East.
13 Thank you.

14 MODERATOR ROSENBERG: Thank you ma'am.
15 Next speaker, David Perkins? Joan Burdick?

16 VOICE: She's gone.

17 MODERATOR ROSENBERG: Mary Margaret Visnic
18 who will be followed by -- I'll get to that later. Ma'am?

19 MS. MARY MARGARET VISNIC: Hi. My name is
20 Mary Margaret Visnic. My address is 347 Pine Orchard
21 Road. I'm a resident of Branford and I first want to
22 thank you for coming tonight. We appreciate it. And I'm
23 going to read a letter on behalf of the Soundkeeper, Terry
24 Backer.

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1 "This letter is to express Soundkeeper,
2 Incorporated's opposition to the construction of the
3 Islander East natural gas pipeline across Long Island
4 Sound. Soundkeeper is a not-for-profit, whose mission is
5 to enhance the biological, physical and chemical integrity
6 of the Sound.

7 The construction of the Islander East line
8 would cause undue disruption to the Long Island Sound
9 environment. Existing lines are dicing the Sound's seabed
10 into ever decreasing grids. There are now 12
11 telecommunication lines, pipelines and power cables
12 crossing the Sound. There are also a number of proposed
13 projects yet to be submitted. The result of these lines
14 beyond construction impact is slowly eliminating
15 traditional use of the trust that has been practiced for
16 200 years.

17 There are several reasons why you should
18 not allow Islander East to go forward. First, the health
19 of the trust is being diminishing along with traditional
20 public uses. The losses are accruing to the people
21 unnecessarily through a permit process that has failed.
22 As mentioned, there exists already a natural pipeline
23 crossing to Long Island. Use of the Iroquois Pipeline
24 should be maximized.

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1 Reliability of supply from diverse sources,
2 such as the Sable Island fields, can be achieved without
3 Islander East. Instead of crossing the Sound at Branford
4 an overland pipeline should be constructed to interconnect
5 the Algonquin interconnect at Brookfield, Connecticut."

6 I'm going to summarize, "That there are
7 alternatives available to supply Long Island with natural
8 gas. Islander East is an unwarranted and unwise intrusion
9 into the Sound and should be rejected. The U.S. Army
10 Corps of Engineers should honor the State's position and
11 grant no further approvals until such time as the State
12 returns with its plan.

13 Sincerely, Terry Backer, Soundkeeper."

14 MODERATOR ROSENBERG: Thank you ma'am.
15 Next speaker, A. Ferwell, 129 Church Street, Suite 119?
16 Ma'am, would you please spell your first name for the
17 record?

18 MS. ANSTRESS FARWELL: My name is Anstress
19 Farwell. The first name is A-N-S-T-R-E-S-S.

20 MODERATOR ROSENBERG: Thank you.

21 MS. FARWELL: I live in Guilford and I work
22 in New Haven. I'm President of the New Haven Urban Design
23 League. We're an organization that's involved with
24 environmental issues, preservation and new development.

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1 We have done a lot of work on New Haven's waterfront for
2 it's improvement and development and we work with various
3 groups that are interested in Long Island Sound and I work
4 with the Long Island Sound Action Coalition. We work
5 together in order to try to develop better plans that
6 fulfill regional objectives.

7 We agree that there's better routes and
8 ways to provide energy for Long Island and we hope that
9 you'll consider these alternatives. That's my first very
10 simple point. And second, there are many ways that the
11 application submitted by Islander East is incomplete. And
12 I'll just bring up one example that's been mentioned
13 already and that's about the horizontal directional drill.

14 There's three points that are very
15 important that we don't know about here. One is
16 appropriate borings have not been done to note conditions,
17 despite what you've heard the \$25,000,000 that's been
18 spent on developing this project. Where the drill will
19 emerge is not clear at this point. And an alternative to
20 the horizontal directional drill has not been presented
21 for review, just a statement that Islander East will find
22 an alternative.

23 This lack of information creates a
24 dangerous scenario and having been involved in the effort

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1 to stop the installation of the Cross Sound cable in New
2 Haven, I'm concerned that similar mistakes could be made
3 here and that in an effort to work with the Applicant
4 discovery of facts will not be complete before decisions
5 are made. And I hope you understand, I raise these
6 questions with all respect for the work that you have done
7 statewide. But I think they're important things that do
8 need to be raised here.

9 I recognize that this is a difficult issue
10 and that cross Sound cable has put all parties in an
11 impossible situation. The cable has compromised the use
12 and value of the shipping channel in New Haven and it has
13 probably damaged shellfish beds. I can only say,
14 probably, because the DEP, which is so inadequately funded
15 with our State budget crisis, has not been able to
16 complete a study of shellfish mortality in the effected
17 area and I hope that that study can be done soon.

18 So we really lack very important
19 information. So the HDD issue really could be a deja vu
20 all over again in this kind of issue here in Branford, to
21 quote Yogi Berra. And I think it's interesting that this
22 happened in New Haven despite the fact that the Army Corps
23 issued one of the most restrictive permits in its history.

24 It still is difficult for you to reinforce. Thank you.

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1 MODERATOR ROSENBERG: Thank you ma'am.
2 Thank you very much. Next speaker, Matthew Gornan? Long
3 Island Association on the Cormack Road, Cormack, New York?
4 Marvin Zimmerman? Ray G-I-N-C-A-U-A-G-E? Who will be
5 followed by Louis Nargi.

6 MR. RAY GINCAVAGE: Good evening. I'm Ray
7 Gincavage and I'm an effected landowner, but I'm not going
8 to address those issues. I'm going to address more Sound
9 issues, many of which you've heard. Thank you for the
10 opportunity to talk to you tonight.

11 The Islander East Pipeline would negatively
12 effect Long Island Sound. It would enter the Sound in the
13 vicinity of the Thimble Islands, one of the most beautiful
14 areas of the shoreline between New York and Maine. This
15 area contains the most fertile shellfish beds in
16 Connecticut. These beds support an active local fishing
17 community, both commercial and residential.

18 Islander East has proposed using horizontal
19 directional drilling to drill under these beds for a
20 distance of 4,000 feet. This has never been done before.

21 It is not known whether it would damage the bed in other
22 ways. For example, by drill vibration. Moreover, this
23 technology is not without risk, as was proven in New Haven
24 with the release of bentonite, which is used to lubricate

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1 the drill I believe.

2 Also, shellfish beds extend more than 4,000
3 feet offshore. After 4,000 feet conventional and/or
4 jetting trenching techniques would be used. These beds
5 further out would be subject to the same devastation that
6 was experienced in Milford 10 years ago when the Iroquois
7 Pipeline cross the Sound. Many of the Milford beds have
8 still not recovered. Initially lobstermen in the area
9 were vehemently against this project until Island East
10 bought their silence. The health of the Sound is a public
11 resource, not a private one. The right to damage it
12 should not be something that can be bought by paying off a
13 segment of a workforce that makes a living in it.

14 Why would Islander East pay these millions
15 of dollars to buy silence if they were not indeed damaging
16 a resource? Several years ago the Cross Sound Cable
17 Project looked at this very route and abandoned it
18 partially because of the environmental sensitivity of the
19 area. Even FERC has admitted there's a route to use,
20 which is less damaging to the environment, yet Islander
21 East has stubbornly refused to consider this route. I
22 submit this is because of the economics of that route are
23 less favorable to Islander East.

24 Our resources should not be damaged to line

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1 Islander East's pockets. Let them spend the extra money
2 and perhaps give up some profit potential to use a route
3 that is environmentally preferable. FERC said there is a
4 better way. The Connecticut DEP said the proposed route
5 was unacceptable. The Branford Blue Ribbon Committee
6 pointed out flaws. The company that owns the railroad
7 expressed concerns about the pipeline and the railroad
8 existing safely together. Yet as recently as last week,
9 after DEP's second denial of the proposed project John
10 Sheriden, a spokesman for Islander East was quoted as
11 saying, they are still moving forward with this project.
12 What's wrong with this picture? It's quite clear that the
13 Islander East project needs to go elsewhere.

14 MODERATOR ROSENBERG: Thank you sir. Next
15 speaker, Louis Nargi, he'll be followed by Charles
16 Rothenberger.

17 MR. LOUIS NARGI: My name is Louis Nargi,
18 79 Stony Creek Road, Branford. I'd like to go on record
19 saying that I oppose this project. I'm an effected
20 landowner, as matter of fact, I'm very effected. Okay? I
21 live on a half acre of land right next to the railroad
22 tracks. This pipeline will destroy my septic system. And
23 I did a perc test that Islander East paid for, they forced
24 me to do it. I told them my septic system couldn't be

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1 moved in another area, but they forced me to do it, so I
2 did it. The result of that test is that the septic system
3 cannot be moved off their proposed easement because
4 there's no more land reserve, there's too much ledge in
5 the area and what's left is just not enough to put a new
6 septic system. Okay?

7 This destroys my septic system. Okay? At
8 least three feet of their permanent easement is in my
9 house. As a matter of fact it's in my bedroom. Okay?
10 Less than 20 feet there's a granite ledge that's going to
11 have to be blasted out. What am I supposed to do?
12 Evacuate my house when this happens when they blast it
13 out?

14 And it's probably 15 feet from the railroad
15 tracks. Do you think it might do damage to the railroad
16 tracks? So I guess my property will have to be condemned.

17 Now, I bought this house three years ago. Six months
18 after I bought this house I started getting notices and
19 letters. I told Islander East I had a septic system. You
20 know what they did? They ignored it. They didn't even
21 know I had a septic system. That's how thorough they are.

22 Okay?

23 You got -- you're dealing with a bunch of
24 people that created rolling blackouts in California so

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1 they could raise rates on those people. And we're still
2 dealing with these people two years later. This is a bad
3 place for this pipeline. They even know it. Everybody in
4 Branford, Milford, everybody in Connecticut knows it as
5 you heard here tonight.

6 So I'm opposed to this pipeline and I'm
7 sure everybody else is. Thank you very much.

8 MODERATOR ROSENBERG: Thank you sir. Next
9 speaker, Charles Rothenberger, followed by L-U-I-K-D-I-C-
10 O-C-E-O, maybe? Sir?

11 MR. CHARLES ROTHENBERGER: Good evening.
12 My name is Charles Rothenberger and I thank you for the
13 opportunity to present some of these comments on behalf of
14 the Connecticut Fund for the Environment.

15 "CFE is a Statewide legal advocacy
16 organization based in New Haven, which is dedicated to
17 protecting Connecticut's environment and preserving the
18 natural resources of the State. The issue presently
19 before you is whether to issue a permit for a proposed
20 pipeline project that will have serious environmental
21 consequences on tidal wetlands in Connecticut and on water
22 quality and shellfish habitat in Long Island Sound. CFE
23 urges you to deny the permit application.

24 The seriousness of the potential

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1 environmental consequences that would result if this
2 proposal is approved can be seen in the unanimity with
3 which Connecticut's public officials have responded to
4 protect the Sound from such projects. Rarely has any one
5 issue found such broad agreement among the various State
6 agencies charged with protecting Connecticut's
7 Environment. The Governor and the General Assembly have
8 independently established general moratoriums on cross-
9 Sound energy pipeline projects. And in the case of the
10 specific submission before you, both the Attorney
11 General's office and the Department of Environmental
12 Protection have raised serious concerns about the proposed
13 project.

14 On October 15th, 2000 the Connecticut DEP
15 determined for the first time that the pipeline project
16 was inconsistent with Connecticut's Coastal Zone
17 Management plan. And just last week they reaffirmed that
18 denial. The DEP expressed particular concern about the
19 proposed use of horizontal directional drilling. The
20 Department noted that the releases of bentonite drilling
21 fluid routinely occur in at least 50 percent of all such
22 projects. Shellfish populations are particularly at risk
23 under this project because the proposed drilling corridor
24 will pass directly below 2000 linear feet of shellfish

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1 lease beds. Despite the very real danger of such a
2 bentonite release however, the applicant has consistently
3 failed to provide any plans related to monitoring and/or
4 mitigation of such releases.

5 These are not problems without solutions
6 however. The DEP specifically found that there was at
7 least one viable alternative to the current proposal that
8 would significantly reduce the adverse environmental
9 impacts of the pipeline.

10 MODERATOR ROSENBERG: Thank you sir.

11 MR. ROTHENBERGER: I'll submit the rest.

12 MODERATOR ROSENBERG: Thank you. Next
13 speaker, I believe L-O-U-I-K? Second name, D-I-C-O-C-E-O,
14 900 Chapel Street? No. Okay. Bruce Walker, who will be
15 followed by Peter Brown.

16 MR. BRUCE WALKER: My name is Bruce Walker
17 and I live in New Haven, but I work in Branford. I work
18 at Whitewood School.

19 Whitewood School is within feet of the
20 railroad line and I'm concerned about the safety of
21 upwards of 100 students, plus roughly 18 of my friends and
22 colleagues. A number of years ago there was a similar
23 type of gas line that ran under the right of way of a
24 railroad line in California. After a derailment and the

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1 subsequent clean-up, during the clean-up they
2 inadvertently compromised the integrity of the pipe and
3 subsequent to that the pressure of the pipe blew through
4 the part that had been compromised and it caused a
5 conflagration that wiped out an entire neighborhood.

6 Why it seems like a good idea to put a
7 pipeline next to a railroad line boggles my mind. If I
8 was a cynic I might think it was corporate greed. For
9 once, we should let common sense prevail over corporate
10 greed and stop the pipeline. Please deny this petition.

11 MODERATOR ROSENBERG: Thank you sir. Next
12 speaker, Peter Brown followed by John Frank.

13 MR. PETER BROWN: Hi. I'm Peter Brown.
14 I'm a summer resident of Pot Rock Island in the Thimble
15 Islands and I'm a resident of 2 Hart Avenue in the Pine
16 Orchard neighborhood of Branford.

17 I'm speaking tonight for the folks that
18 summer on the Thimble Islands. There's about 100 families
19 that the Thimble Islands Association represents. Senator
20 Dodd mentioned in his written statement that Long Island
21 Sound was the jewel of Connecticut and the Thimble Islands
22 are certainly its string of pearls. And we very much ask
23 that you folks deny the application.

24 Our Association unequivocally, unanimously

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1 objects to the pipeline for five basic reasons. One,
2 environmental damage during the construction process.
3 Two, the environmental impact while the pipe is laying on
4 the seabed, we're concerned that the delicate lobster
5 population will be further impacted. Even in natural
6 circumstances it's been proven to be very delicate.
7 Three, safety. They've talked about the rail line,
8 they've talked about the barge canal. One thing no one
9 has mentioned is corrosion. We're very concerned that
10 this pipe in the salt environment will certainly corrode
11 and I think you'll find many of the pipeline disasters
12 have had a component of corrosion, and we're concerned
13 about that.

14 Four, there's no public benefit. Not one
15 Thimble Island will have access to this gas, although the
16 pipeline will be some 500 feet away on the western side of
17 our properties. And we really are counting on the Army
18 Corps of Engineers to protect our pearls. Please do so.
19 Thank you.

20 MODERATOR ROSENBERG: Thank you sir. Next
21 speaker, John Franks who will be followed by Patrick Low.

22 MR. JOHN FRANK: My name is John Frank and
23 I'm Chairman of the Norwalk Shellfish Commission. So this
24 is not a not in my backyard kind of thing. "This

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1 application is for an unnecessary shortcut across
2 Connecticut and Long Island Sound to improve a competitive
3 market position and deliver gas from Canada to Long
4 Island, New York.

5 Applicants already sell gas there. No
6 benefit in Connecticut is anticipated. No reason is given
7 to destroy 271 acres at least of Long Island Sound bottom,
8 most of it shellfish habitat when an upland route is
9 already established. There is existing pipeline on Long
10 Island owned by Keyspan that they intend to connect to.
11 This is really a request for a subsidy for Islander East
12 investors.

13 This line across public Trust Land under
14 the Sound could save them money at enormous environmental
15 cost. We know they can bury utilities with very little
16 environmental impact on dry land. The record burying
17 utilities underwater has been terrible. Look at Cross
18 Sound Cable, or the Iroquois Pipeline, or the leaking
19 cables from Norwalk to Northport. This is only one of
20 several proposals, all based on some destruction of public
21 Trust Land. The damage done to shellfish habitat is
22 always total and permanent.

23 Connecticut Department of Environmental
24 Protection was right when they denied this application

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1 twice. They found it caused unacceptable environmental
2 impacts and pointed out that it was not the only way to
3 get the gas to Long Island. The damage done when Iroquois
4 laid their pipeline, which is not being expanded, should
5 never be forgotten. The scars are still there. The
6 shellfish are gone forever.

7 The floor of the Sound must be protected
8 from further destructive commercial development. A major
9 industry in Connecticut is at stake. Please deny this
10 application.

11 MODERATOR ROSENBERG: Thank you sir. Next
12 speaker, Patrick Low? Elizabeth Dock who will be followed
13 by Naomi Low.

14 MS. ELIZABETH DOCK: My name is Elizabeth
15 Dock. I live at 249 Pleasant Point Road in Branford.

16 The proposed pipeline through Branford
17 effects me personally three ways. First, my home looks
18 over a healthy salt meadow not more than 1,000 feet to the
19 northeast from a land to water entry site of the pipeline.

20 And I believe the prevailing currents will bring
21 sediments, including drilling materials and heavy metals,
22 directly under this marsh, a breeding site for fish,
23 shellfish and birds. I'm a one-third owner of an adjacent
24 sand beach, which will be similarly impacted.

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1 Active commercial harvesting of shellfish
2 in the pipeline area is visible from my home and the known
3 damage, if we learned from the Milford site, will render
4 these sites unusable for years. Connecticut is
5 justifiably proud of it's shellfishing industry and to
6 allow an unproven drilling project to tunnel under and
7 through these beds would be shameful.

8 Just during the break I spoke with Dr.
9 Sally Richards, a Yale Marine Scientist. And she told me
10 that sound levels during drilling at the site is probably
11 going to exceed 80 decibels. She didn't know how far
12 these levels would be transmitted underwater, but that
13 certainly is something that needs to be taken into
14 consideration, especially when we are talking about the
15 known seals that are in the area.

16 This project is only for the gain of
17 Islander East and it's parent companies. I urge that
18 common sense prevail, public trust be honored, that the
19 fragility of this region recognized and that this damaging
20 route be rejected by the Army Corps. Thank you very much.

21 MODERATOR ROSENBERG: Thank you ma'am.
22 Next speaker, Naomi Low? Nick Christmal? Is he here?
23 Charles Johnson?

24 MR. CHARLES JOHNSON: Good evening. I'm

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1 Charles Johnson and I live at 2 Juniper Point Road in
2 Branford and I thank you for hanging in here with us so
3 late this evening.

4 "Tonight I appear before you in two
5 capacities. First, I come to you as the President of the
6 Juniper Point Association, representing 21 home or
7 landowners in the Juniper Point section of Pine Orchard in
8 Branford. So in effect, this is about our backyard. This
9 project directly impacts our residents in that it skirts
10 the boarder of our property, while directly impacting the
11 wetlands and offshore assets that we all enjoy on a daily
12 basis.

13 The potential addition of a high-pressure
14 gas pipeline on an active railroad right-of-way also adds
15 a significant element of risk to our residents, which is
16 clearly not attractive and certainly not consistent with
17 this residential area. In addition, it's construction
18 would introduce substantial noise pollution for an
19 extended period of time to our residents. Our residents
20 ask you urgently to reject this proposal.

21 Second, I come before you as a citizen and
22 a businessman. I am fortunate to lead a publicly owned
23 corporation, which has earned prominence in it's own
24 markets. Therefore, I am most sensitive to the need for

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1 adequate energy resources for our citizens without which
2 we cannot continue to build a prosperous society.

3 However, I strongly believe that good business leaders
4 must bring balanced values to our desire for growth and
5 profit, while still providing respect for the natural
6 resources we enjoy.

7 These ideas are not mutually exclusive as
8 sometimes implied by one side or the other.
9 Unfortunately, the basic premise of the proposed pipeline
10 project does not meet a balanced values test.

11 In short, I urge you to disallow the
12 proposals before you that would enable this project to go
13 forward or encourage it on the proposed site. We live in
14 a great country and hopefully all of us will vote our
15 conscience at the next general election for officials to
16 lead our State and National affairs. I encourage all
17 Connecticut citizens to consider the position of
18 candidates on the pipeline project as an important voting
19 criterion as they approach the polls. We cannot allow
20 this type of project to rule -- project thinking to rule
21 the day. Good governance and our great shoreline depend
22 on it. The very weight of public outcry demands it.

23 MODERATOR ROSENBERG: Thank you sir. Next
24 speaker, Paul H-U-A-N-G? Mark DeFelice, it looks like D-E

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1 capital F-E-L-I-C-E? Maria Stockmal? To be followed by
2 Sarah Richards.

3 MS. MARIA STOCKMAL: Hi. My name is Maria
4 Stockmal. I represent over 300 members of the New Haven
5 Bird Club of which I'm the Conservation Committee
6 Chairperson.

7 We do support Stop the Pipeline and it's
8 concerns. In addition, we are concerned about
9 disappearing habitat that are friendly to birds. We have
10 disappearing species in Connecticut and we have a decrease
11 in population of some species. Our pass time is becoming
12 harder to find and it's also becoming a skill.

13 I know the pipeline runs through an area
14 called the Green Corridor, which is a migratory stop for
15 birds. I don't know if the revision still has an impact
16 on that area, but whether it does or not we need to take a
17 greater responsibility when we develop or interrupt the
18 environment because we're probably losing more than we're
19 gaining.

20 MODERATOR ROSENBERG: Thank you ma'am.
21 Next speaker, Sarah Richards? Mike G-U-A-R-N-I-E-R-E? 11
22 Pleasant Drive. Linda Lantz, L-A-N-T-Z, followed by John
23 Lantz.

24 MS. LINDA LANCZ: Good evening. My name is

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1 Linda Lancz and I am a Board member of the Ecological
2 Health Organization, whose purpose is to monitor any
3 projects that are proposed that impact the environment. I
4 was -- I'm currently living in Guilford, but I was born in
5 Branford and I am extremely familiar with all the impacted
6 areas on the shoreline that are currently being proposed
7 for the pipeline.

8 I don't know how anybody can seriously
9 consider this proposal. It absolutely boggles my mind
10 that it has been even given such serious consideration and
11 it has taken two years out of the lives of all the people
12 that you see here tonight who have had to waste their time
13 on this kind of foolishness. Now, Connecticut has been
14 through this before with another proposal for the Amtrak
15 train, where we saw all of Connecticut was united against
16 that foolishness and after years of wearing down the
17 opposition we got it anyway. And this is my concern about
18 what we're going through again and again.

19 Why are we here tonight? I would like to
20 know and I am sorry that no one on the Army Corps of
21 Engineers has addressed the issue of why this hearing is
22 even being held after DEP has denied this proposal. This
23 is out of order as far as I understand it. But I am
24 hoping somebody will speak to that.

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1 But what I want to talk about is the
2 process of why we are here. I understand it's because the
3 administration has put pressure on you and put you in the
4 hot seat to try to reconsider something that has been
5 totally rejected by everybody. There is no support for
6 this proposal. In fact, there is such active opposition
7 as represented here tonight that it should not even be
8 considered, it should be dropped. Now, what we should do
9 is look for something that will give a permanent
10 injunction against this proposal so that we don't have to
11 come out here and waste our time night after night with
12 this kind of situation.

13 It is a waste. It is a threat. And I'm
14 beginning to think that American democracy means that all
15 the people have the right to speak and vote and organize
16 and the people who are supposed to be leading this country
17 have the right to ignore us.

18 MODERATOR ROSENBERG: Thank you ma'am.
19 Next speaker, John Lancz.

20 MR. JOHN LANCZ: John Lancz. I'm a
21 Congregational minister, former resident of Stony Creek,
22 current resident of Guilford. And I hold in my hand a
23 publication by Islander East that tells me that they
24 strive to be a good neighbor. I wish that were true and

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1 I'm glad that Islander East is not my neighbor.

2 They present arguments about minimizing
3 environmental impacts of drilling and trenching that I
4 find far from convincing. This program does nothing other
5 than promote the financial interests of Islander East
6 Pipeline Company and it's parent companies. Ecological
7 interests are people interests. The pipeline's company
8 interests are profits. Profits are okay. We wouldn't be
9 here without companies having profits, however, people are
10 more important.

11 We the people are part of the habitat that
12 would be negatively impacted by this project. I urge you
13 to deny the permit.

14 MODERATOR ROSENBERG: Thank you sir. Next
15 speaker, M-U-K-U-N-D, second name N-O-R-I? To be followed
16 by Paul Bradley.

17 MR. MUKUND NORI: Good evening everybody
18 and thanks for waiting so long. My name is Mukund Nori.
19 I live in North Branford, 32 Hunter Hill Road. I'm a
20 citizen of this country and I'm proud to be one and I'm
21 really, really upset the way this thing is going on this
22 whole evening.

23 People have spoken a lot about why they're
24 against the pipeline and there's -- I'm not going to

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1 repeat everybody's thing. I came here, my profession is a
2 scientist, I came here hoping to hear something from the
3 other side that would at least give me some sort of a
4 balance. Instead what I've heard is stuff that makes me
5 even more concerned that this pipeline should be stopped
6 immediately, that we should not be going forward at all.

7 They talk about a model that says minimum
8 impact. As a scientist, when you have a model, you test
9 it against data. And the data here -- and if the data
10 doesn't fit the model you don't change the data, you
11 change the model. It's as simple as that. And what I'm
12 hearing is that no -- this model is going to be good -- is
13 going to have little impact on the environment when
14 there's ample data from Milford and from other areas that
15 says just the opposite.

16 I don't know how we can go forward as
17 engineers, you are scientists. As people of -- as
18 citizens, we want to be -- want common sense to prevail
19 and all the common sense here says, stop this project.
20 Thank you for your time.

21 MODERATOR ROSENBERG: Thank you sir. Next
22 speaker, Paul Bradley. Mr. Bradley will be followed by
23 David Schaffer.

24 MR. PAUL BRADLEY: Good evening. Paul

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1 Bradley, operator Rolling Acres Farm, 394 Foxon Road,
2 North Branford, Connecticut.

3 I'm here this evening to voice my
4 opposition to the Islander East project. We have spent a
5 lot of time debating and asking questions. We have gotten
6 limited information from them. My property would be
7 personally impacted. They're planning to put their
8 easement through and also take additional hayfield to use
9 as a work area. I know what happened 30 years ago when
10 they put the first pipeline through and this soil has
11 never truly recovered in their work areas. I can imagine
12 what they're going to do to Long Island Sound based upon
13 what I've heard and read from both sides.

14 We the people are here, turn out time and
15 time again to be heard. There is a better route for this
16 pipeline. It may not create the cash flow that Duke
17 Energy and Keyspan want, but unfortunately that is the
18 alternative, the environmentally sensitive alternative.
19 Keyspan talks about the demand for gas on Long Island, but
20 yet for about a year now they've been giving away free
21 furnaces that are gas powered if people convert. They're
22 creating a demand artificially.

23 I would like to think that we the people of
24 Connecticut will come out more like George Patton instead

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1 of George Custer. And I'm crossing my fingers, because
2 folks, the Colonel from the Corps of Engineers came from
3 West Point, so we know he has honor. Thank you.

4 MODERATOR ROSENBERG: Thank you sir. Next
5 speaker, David Schaffer followed by Sandy B-R-E-S-H-I-N,
6 Breshin.

7 MR. DAVID SCHAFFER: Good evening. My name
8 is David Schaffer. I reside in 15 Spring Rock Road, Pine
9 Orchard in Branford. I am a registered intervenor against
10 Islander East.

11 I am here to speak in opposition to
12 Islander East's proposed gas line. They have no
13 sensitivity to the routing and the people they are
14 disturbing. This is larger than a local issue. You've
15 heard my friends, my neighbors, our State elected
16 officials, our Federal officials speak in opposition to
17 this. Long Island Sound is an estuary. It is a nursery.
18 It is a nursery to the Atlantic fisheries. We are going
19 to hamper this production very significantly in shellfish
20 and fin fish. It goes way beyond the power that they want
21 to generate from the gas from Nova Scotia.

22 I beseech the Army Corps of Engineers to
23 listen to the people they hear here tonight and the people
24 who represent us. This is not a good proposal. It should

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1 be denied. Thank you.

2 MODERATOR ROSENBERG: Thank you sir. Next
3 speaker, Sandy Breslin. Did I get that right? Could you
4 please spell your name for the record?

5 MS. SANDY BRESLIN: Yes indeed. It's my
6 poor penmanship and not your pronunciation at fault.

7 MODERATOR ROSENBERG: Thank you.

8 MS. BRESLIN: It's Sandy Breslin, B-R-E-S-
9 L-I-N.

10 MODERATOR ROSENBERG: Thank you.

11 MS. BRESLIN: I'm here tonight as a
12 representative of Audubon Connecticut, a part of the
13 national Audubon Society here in Connecticut. We have
14 more than 16,000 members and our mission is to protect
15 birds, other wildlife and their habitat through research,
16 conservation, advocacy and education.

17 I want to thank you first for being here
18 tonight and for lasting so long and so graciously and for
19 giving us the opportunity to comment. Audubon Connecticut
20 has serious concerns regarding the Islander East pipeline
21 project. This proposal has the potential to negatively
22 impact birds, wildlife and important habitat in and along
23 Long Island Sound.

24 Long Island Sound has historically been a

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1 major wintering area for both greater and lesser scaup, a
2 particular species mentioned earlier in the testimony of
3 Dr. Barkley. There was a peak number estimated at 95,000
4 back in 1948. Today it's estimated that 60 percent of the
5 scaup in the United States winter in an area stretching
6 from Cape Cod down to northern New Jersey. In particular,
7 the water adjacent to the Thimble Island from Sachem's
8 Head in Guilford to Indian Neck in Branford are a key
9 wintering area and migratory stop over area for scaup and
10 for other migratory waterfowl.

11 There is a declining population of scaup.
12 We're very concerned. We would echo -- I'm now
13 summarizing because I see the yellow light. We would echo
14 the comments of Commissioner Rocque that there's a great
15 potential in this construction project and the ongoing
16 impacts of it to impact mollusks, which are a primary food
17 for scaup. There's increasing data that scaup are now
18 being exposed to heavy metals and organo compounds that
19 are toxic to them. Dr. Barkley has an long ongoing study
20 that has been looking at this issue and we are very
21 concerned that stirring up the sediment in this area will
22 only increase their exposure to these toxics, which reduce
23 their immune system and can compromise reproductive
24 success.

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1 I would just add that there seems to be a
2 prudent and feasible alternative to the proposed project
3 and the proposed route. It has a lesser environmental
4 impact. Audubon Connecticut would urge you to deny this
5 application and to require that Islander East seek an
6 alternative route that is less environmentally damaging.
7 Thank you.

8 MODERATOR ROSENBERG: Thank you ma'am.
9 Next speaker, Leah Lopez followed by Sue Holloway.

10 MS. LEAH LOPEZ: Good evening. My name is
11 Leah Lopez and I'm here representing Save the Sound.
12 "We're a 30-year-old New York and Connecticut non-profit
13 membership organization dedicated to the restoration,
14 protection and appreciation of Long Island Sound and it's
15 watershed through advocacy, education and research. We
16 request that you deny the permit for the portion of this
17 file that relates to the construction and operation of the
18 49.9 miles of natural gas pipeline infrastructure, in
19 particular the 22.6 miles within Long Island Sound.

20 I would like to provide a few cursory
21 statements to preface my comments. Approximately one
22 third of the Sound's title marshes have been filled. Much
23 of the remaining marshes have been ditched, diked, or
24 impounded, further reducing their ecological value. Less

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1 than 10 percent of the land within the immediate coastal
2 areas of Long Island Sound is permanently protected.

3 Only 292 miles or 23 percent of the total
4 shoreline around Long Island Sound is accessible and open
5 space throughout the coastal region continues to be
6 displayed by more urban and suburban land uses, thus
7 coastal Land Trusts have heightened value.

8 Long Island Sound is the only estuary in
9 the nation covered by the Ocean Dumping Act and sound
10 engineering should not suffer in an effort to avoid it's
11 25,000 cubic yard triggering volume. Long Island Sound
12 originated 15,000 years ago and is the culmination of
13 3,000,000 years of natural processes."

14 I will now make my following comments to
15 three primary points. The first being the ever popular
16 Public Trust. "This proposed permit is for the free use
17 of the Connecticut Public Trust. It is sought by a non-
18 water dependent, non-historical, non-riparian, private
19 entity. With every such project granted the argument that
20 this is a finite ecosystem that should be guarded and
21 protected for future use, is greatly diminished.

22 The second being long-term floor habitat
23 changes. Deep intrusions like those proposed by the
24 Applicant into the structural make-up of the Sound may

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1 permanently alter benthic habitats. In particular, the
2 holes that are left by anchor scaring."

3 Seeing yellow, we're moving on
4 significantly. "I think it's wise to note that the
5 Branford Land Trust was one of the first recipients of a
6 grant under the Long Island Sound Stewardship System,
7 which is based on a Comprehensive Conservation and
8 Management Plan adopted by Connecticut, New York and the
9 United States Environmental Protection Agency.

10 And I'd like to say in conclusion despite
11 what some might say this is not a local issue. This is
12 not Connecticut versus New York. This is about the shared
13 resource of Long Island Sound. But even more to the
14 point, it's a national epidemic. At what point do we stop
15 talking about protection and start acting?

16 I will conclude with a quote from President
17 Theodore Roosevelt. 'The nation behaves well if it treats
18 the natural resources as assets which it must turn over to
19 the next generation increased, and not impaired in value.'
20 Thank you very much."

21 MODERATOR ROSENBERG: Thank you ma'am.
22 Charlene Granata? Elizabeth P-O-S-S-I-D-E-N-K? Victor
23 Budnick?

24 MR. VICTOR BUDNICK: Thank you. I'm Victor

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1 Budnick. My wife and I are homeowners in Stony Creek and
2 we're here to speak in opposition of the Islander East
3 project.

4 For all the reasons you've heard tonight,
5 which I won't rehash, this is a fatally flawed project,
6 which no amount of modification or change could ever
7 correct. In short, it's simply a very bad idea and it's
8 incredible that Islander East hasn't learned that.

9 The only additional information I'd want to
10 point out is that we're in the midst of a 10-year repair
11 of I-95 between Branford and New Haven. I-95, as you
12 probably know, is perpendicular to the proposed route of
13 the pipeline and of course that involves blasting, traffic
14 with fumes and all sorts of additional environmental
15 stress. The last thing we need is additional
16 environmental stress in a route that's perpendicular on
17 the shore to 95.

18 In my professional life I work for the
19 State and invest in emerging high-tech companies. We
20 would never consider a project or a company that was as
21 dangerous, risky, unproven as this project from a safety
22 perspective, from an environmental perspective, from an
23 economic perspective. There's no showing that there's any
24 gas to be delivered. That there's any need for the gas.

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1 Or that the project could be accomplished successfully.
2 In fact, the only -- the only assumption you could make
3 about the economics of this project is that these
4 companies expect to be free riders on the benefit of the
5 public because otherwise there is no cost benefit.

6 The Corps is to be congratulated because
7 for the many years it's administered it's various statutes
8 and it's understood both it's statutes and eminent domain,
9 have required that many be benefited and protected at the
10 expense of the few. This project does otherwise and I
11 respectfully request the Corps deny the permit. Thank
12 you.

13 MODERATOR ROSENBERG: Thank you sir. Next
14 speaker, D.J. King? Stephen Upson? Who will be followed
15 by Nicholas Berkum.

16 MR. STEPHEN UPSON: Hi. I'm Steve Upson.
17 And I've lived here all my life. My grandfather came here
18 from East Haven and I mean, so there's a long time. So as
19 far as -- we were farmers and we've always done things
20 just, okay, if you want to do it over there, it's on your
21 property, do whatever you want to do. No problem. But,
22 you know, every -- things have to be maintained. It's --
23 a pipeline has to be maintained. If you don't put oil in
24 your car it won't go. I mean, it just wears out. Your

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1 tires, they wear out. It's no mind boggling deal.

2 So in -- to me, you know, this is just --
3 you're putting something under the ground that you can't
4 get to when you want to just to check it and you can put
5 all these little eyes down there all you want, but when
6 you got to go fix it, nobody wants to know nothing. And
7 so as far as I'm concerned, that's -- I'm -- I would worry
8 more about it being fixed. Who's going to fix it? Just
9 who would fix it if it broke? Who would fix it? It sure
10 is not going to be one person, and that's the person in
11 the big seat that's putting it in there.

12 Because I've also been in heavy
13 construction and I've been with some big companies. I --
14 we were a little company and they hired us, but you know,
15 it was tough for them to stand behind, you know, the guy
16 who put the seat on here. He has to stand behind him. I
17 mean, the guy who makes the thing for this, you've got to
18 stand behind it.

19 MODERATOR ROSENBERG: Thank you sir. Thank
20 you very much. Next speaker, Nicholas Berkum? Is there
21 anyone here that has filled out a card, but I have not
22 called? Is there anyone here who has not filled out a
23 card wishing to make a comment, or wishes to at this time?

24 Ladies and gentlemen, our Hearing Officer, Colonel

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1 Koning.

2 HEARING OFFICER KONING: Thank you Larry.
3 We've heard a great many thoughtful statements this
4 evening and we, the Corps, are going to have to give
5 careful analysis -- we're going to be required of all the
6 statements before a determination can be made and a
7 decision rendered in this particular case. As a result of
8 the comments that have happened this evening, and
9 particularly because of the volume of data that has been
10 deposited up front by the participants and also in the
11 rear where we have our other stenographer, I am going to
12 extend the public comment period until the 5th of
13 September, from the 15th of August, which we had mentioned
14 earlier this evening. Your written comments can be
15 submitted to the Corps of Engineers until the close of
16 business day on the 5th of September and they will receive
17 equal consideration with those other issues presented this
18 evening.

19 Each question or issue raised will be
20 addressed in our statement of findings on the Corps
21 determination regarding the Algonquin Gas Transmission
22 Line and the Islander East Pipeline permit application.
23 We at the Corps extend our appreciation to all those who
24 took time to be here tonight, that took time to speak,

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1 that took time to provide us information of which we can
2 base our review upon.

3 I'd like to -- before I conclude this
4 hearing I'd like to extend my appreciation to the town of
5 Branford and specifically to the high school here for the
6 use of this facility tonight, to the Branford Police
7 Department that has been here all evening long and I'd
8 like to thank you and those who have now left, but those
9 who came, spent your time providing us with your thoughts,
10 your comments and your concerns. Thank you again and good
11 evening.

12 (Whereupon, the hearing adjourned at 11:15
13 p.m.)

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