



January 6, 2012

Hon. Jaclyn A. Brillig  
Secretary to the Commission  
State of New York Public Service Commission  
Empire State Plaza  
Agency Building Three  
Albany, NY 12223-1350

**SUBJECT:** Case 11-T-0654- Application of New York State Electric & Gas Corporation for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII Section 121-a of the Public Service Law for Approval to Construct a 4.9 Mile Natural Gas Transmission Pipeline and Associated Facilities in the Towns of Big Flats and Horseheads and the Village of Horseheads, Chemung County

Dear Secretary Brillig:

By letter of December 28, 2011 the New York State Department of Environmental Conservation (DEC) submitted comments to the Commission regarding the Application of New York State Electric & Gas Corporation (NYSEG) in the subject case for a certificate of environmental compatibility and public need for the Seneca West Pipeline Interconnect (SWPI) project. Below are NYSEG's responses to DEC's comments.

*DEC Comment No 1. The DEC has identified two protected stream segments along the proposed pipeline route. These are two tributaries to the Sing-Sing Creek, located along the pipeline route between Chambers Road and Sing-Sing Creek, as shown on the attached map. The western segment is a C(t) stream, indicating that it may support a trout population, and the eastern segment is a C(ts) stream, indicating that it may support trout spawning.*

**NYSEG Response:** An inspection of the SWPI project right of way for wetlands and streams was conducted by a team of Environmental Scientists IV who were not able to locate the eastern segment of the tributary to Sing Sing Creek shown on the NYSDEC stream classification maps and the attachment to the DEC letter of December 28, 2011. Attached to this letter as Appendix A is Figure 5: Stream Classifications from the project's Wetland Delineation Report dated October 11, 2011 (This report was prepared to support development of the Application, but was not itself included in the Application.). Figure 5 is an aerial photograph taken in 2010 of the project area displaying the streams located along the proposed pipeline corridor. That figure shows the location of the eastern segment of Sing Sing Creek as "Not Found". Attached to this letter as Appendix B is a photograph taken May 10, 2011 looking west down the proposed project right way. That photograph identifies the western tributary to Sing Sing Creek as Stream M, Stream N (classified as a Class C stream) and Sing Sing Creek. The eastern tributary to Sing Sing Creek is not identifiable in this photograph. Sheet 3 of 14 to Drawing 6172-2101 of the Plan Drawings & Details submitted with NYSEG's Application, shows on an aerial photo the project area where the eastern tributary would have been located. The area is active crop land and the subject tributary is not identifiable in the photo. Because the eastern tributary to Sing Sing Creek could not be located in the field, it has not been addressed in any of NYSEG's Application materials.

DEC Comment No. 2. *DEC recommends that impacts to these stream segments (the two tributaries to Sing Sing Creek) be avoided by using Horizontal Directional Drilling (HDD) to provide access for new pipeline sections under these streams.*

NYSEG Response: Figure 5: Stream Classifications (See Appendix A) from the project's Wetland Delineation Report dated October 11, 2011 displays the stream identified as the western tributary to Sing Sing Creek by the DEC as Stream M. Sheet 3 of 14 to Drawing 6172-2101 of the Plan Drawings & Details submitted with NYSEG's Application classifies Stream M as intermittent. The Wetland Delineation Report also contains a photograph of Stream M taken in May 2011 showing the stream quite narrow and shallow. A copy of that photograph is attached to this letter as Appendix C. As indicated by Note 2 on Sheet 3 of 14 to Drawing 6172-2101 and page 9 of NYSEG's Application, NYSEG proposes to complete the pipeline crossing of Stream M by open cut using a dry crossing method contained in the Environmental Management and Construction Standards and Practices (EM&CS&P) dated February 28, 2006. Because the stream is small in size, has intermittent flow and the pipeline crossing is planned to be completed outside trout spawning season, the open cut crossing of the stream can be completed with minimal impact. HDD is considerably more expensive than the proposed open cut crossing method and the stream can be crossed outside trout spawning season, therefore it is not necessary to incur this additional cost. If the crossing of the stream were to occur during trout spawning season, NYSEG would complete the pipeline installation at Stream M using directional drilling.

DEC Comment No. 3. *If it is determined that due to site constraints or subsurface conditions, utilizing HDD is not feasible at one or both locations, appropriate BMPs should be incorporated into the EM&CP to minimize adverse impacts at these stream crossings, including any limitations on construction activity during trout spawning seasons. Prior to the commencement of construction the EM&CP should be made available to DEC for review in order for staff to provide comment on any proposed BMPs.*

NYSEG Response: Because NYSEG's proposed pipeline is less than 10 miles in length and its Application is made pursuant to Article VII, Section 121-a of the Public Service Law, NYSEG has elected to construct its pipeline in accordance with the PSC's approved EM&CS&P dated February 28, 2006 as opposed to developing a project specific Environmental Management and Construction Plan (EM&CP). NYSEG will follow the Best Management Practices (BMPs) contained in the EM&CS&P for the pipeline crossing of all streams.

DEC Comment No. 4. *In addition, prior to the start of construction, NYSEG will need to seek coverage under the Stormwater SPDES General Permit for Construction Activities (GP-01-10-001). In accordance with the General Permit, NYSEG must prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit a Notice of Intent to the Department prior to the commencement of work. The SWPPP should either be a separate document or included as an appendix to the EM&CP. In either case, the SWPPP should be submitted at the same time as the EM&CP is provided to the staff of Public Service Commission for review.*

NYSEG Response: NYSEG has prepared for approval a Stormwater Pollution Prevention Plan (SWPPP) and it is included as Exhibit E to the NYSEG Application dated November 29, 2011. NYSEG will comply with the DEC's pre-construction notice requirements.

DEC Comment No. 5. *The Department also requests that NYSEG be required to include an appropriate Invasive Species Control Plan as part of the EM&CP. While the length of the transmission line is relatively short in relation to many other transmission lines, the spread of invasive species along transmission lines corridors to areas not yet infested with an invasive species is a significant issue for Department staff.*

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NYSEG Response: As noted above, NYSEG will construct the line in accordance with the PSC's approved EM&CS&P, and an EM&CP will not be submitted for the project. NYSEG will work with DEC and DPS Staff to develop an acceptable plan for controlling the spread of invasive species within the pipeline corridor.

Copies of this correspondence are being served on the DEC and DPS staff.

If you have any questions concerning the matters discussed in this letter, please contact the undersigned at (585) 771-4926.

Very truly yours,



Yvette LaBombard  
Manager of Gas Engineering

Enclosures

Appendices:

Appendix A: Figure 5 from Wetland Delineation Report

Appendix B: Photo looking west down pipeline corridor toward Sing Sing Creek and tributary

Appendix C: Photo of Stream M from Wetland Delineation Report

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Christopher M. Hogan, DEC

John Strube, DPS