

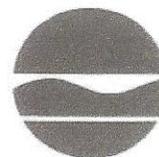
New York State Department of Environmental Conservation

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Joe Martens
Commissioner

Hon. Kathleen H. Burgess
Secretary, NYS Department of Public Service
Three Empire State Plaza
Albany, NY 12223-1350

February 19, 2014

Attn: John Strub

Re: Case No. 13-T-0538 Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law to construct an approximately 9.5-mile natural gas gathering pipeline, New York Mainline Loop Natural Gas Pipeline Project in the Town of Windsor, County of Broome, New York.

Dear Secretary Burgess:

The New York State Department of Environmental Conservation (DEC) submits the following supplemental comments on the above-referenced Article VII Application of Williams Field Services Company, Inc., and DMP New York, Inc. We request that the Commission consider these, to supplement DEC's letter submitted on January 9, 2014 for this case.

Streambed construction restriction period: Williams requested on page 36 of the application, a waiver of the cold- and warm-water fisheries dates for streambed work. DEC requests this be denied for the following reasons: Williams LLC plans a trenching (dam and pump around) method of installation across Occanum Creek, which involves direct stream bed disturbance, diverting the flow. Although DEC has approved the crossing method, we are requesting a 'no work March 15 through July 15' construction restriction at the Occanum Creek crossing to protect warm water fisheries. Typical warm water species found in that region of the Susquehanna River Watershed include: walleye, smallmouth bass, rock bass, yellow perch, brown bullhead and black crappie. DEC believes there is a reasonable expectation that these species may be found in Occanum Creek, as well as other warm water species, and given the direct trenching burial in the stream, these fisheries can be best protected by observing the above construction restriction. There are no other fisheries calendar restrictions to be applied to this project.

Section 2.5.1.11 Invasive Species In addition to the measures included on page 54, DEC requests the following be added to the measures bullets:

1. Map the locations in the project area where invasive plants (identified on the "Interim List of Invasive Plant Species in New York State" May 2012) have been identified. Label with species name. The maps shall be given to Environmental Inspectors, and contractors. DEC recommends that the maps be updated if additional species locations are found.

2. Invasive species areas should be easily recognized along the project site, by all personnel, either by including on construction plans, installing plastic fencing, flagging the locations, or other visible means as an alert to prevent any unintentional disturbance to those areas.
3. Where work is done in locations where invasive plants are identified, to prevent the spread of invasive plants to other locations, equipment and tools must be cleaned of all plant material and soil/mud, (method described below in Clean Machinery and Equipment) prior to leaving the work site.
4. To protect other wetland and stream areas, all equipment shall arrive at the site with cleaned, inspected equipment prior to entering the construction site to protect areas Invasive plants cleaned from equipment locations should be stockpiled in the location in which they were found and not moved or used in any other locations. On page 55, 'Topsoil Segregation', please note and add that because soils from areas containing Japanese knotweed are particularly capable of spreading infestations, these soils should be disposed at a landfill.
5. Re-vegetation of disturbed sites with native plants and use of weed-free mulch.
6. To help prevent proliferation of invasive plants, DEC recommends but does not require, that Williams conduct post installation monitoring of their ROW annually, including mapping of invasive plant locations. Williams could also consult as needed with DEC as to the best measures for control of invasive species along their ROW.

Similar to other linear Article VII projects, DEC is in favor of an Ordering Clause or Certificate Condition which specifically references Section 2.5.1.11, Invasive species, and includes Williams' responsibilities to provide pre-construction training about species identification, equipment cleaning protocols, and locations along the project where invasive species have been identified.

Restoration: As part of the Certificate conditions, the Commission should provide that DEC shall be included in DPS/Williams discussions with regard to restoration of the bed and banks of the Occanum Creek, and if needed, the Trowbridge Creek.

Thank you for the opportunity to comment, and we appreciate DPS staff's diligence in their review.

Sincerely,


Betsy R. Hohenstein
Environmental Analyst, Major Projects Bureau

Elec. copy: Service List
Jean Foley, DEC Bureau of Habitat, Region 7
John Strub, DPS Staff
Steve Howard, Williams