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BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

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IN THE MATTER OF: : Docket Number

ALGONQUIN GAS TRANSMISSION, LLC : CP08-420-000

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Stoughton High School Cafeteria  
232 Pearl Street  
Stoughton, MA

Wednesday, December 10, 2008

The above-entitled matter came on for scoping meeting, pursuant to notice, at 7:10 p.m., Shannon Jones, presiding.

## P R O C E E D I N G S

(7:20 p.m.)

MS. JONES: Okay, folks. I think we're going to get started here. Thank you for being patient. I wanted to allow a little extra time for people to come in.

My name is Shannon Jones. I'm an environmental scientist at the Federal Energy Regulatory Commission, also referred to as the FERC.

Seated on my right is Lieutenant Colonel Stephen LEFEBVRE, he's the Deputy District Commander, U. S. Army Corps of Engineers in New England. To my left here is Larry Brown, he's with Natural Resource Group, also called NRG. They're an environmental consulting firm that's assisting the FERC with our review of this project.

This is a public comment meeting regarding Algonquin Gas Transmission's proposed hub line east to west project. We're here tonight to receive your comments on the draft Environmental Impact Statement that we've prepared. In addition, the Corps of Engineers is here to gather comments regarding its permit review. Energy representatives are manning the sign-in table where you came in tonight and they have some helpful handouts regarding how to receive information from the FERC and how to provide comments. They're available -- if you have questions at any time during the meeting, feel free to go and speak with

1       them.

2                   Algonquin representatives are also here tonight.  
3       They've brought detailed maps of the pipeline routes that  
4       are on the back and the side of the room here. After the  
5       formal portion of the meeting concludes, Algonquin will be  
6       available if you'd like to talk with them directly and  
7       review the maps. We will also be available if you wish to  
8       speak with us directly after the formal portion of the  
9       meeting.

10                   I'd like to start with a brief introduction to  
11       the FERC and our process. If you're not familiar with us,  
12       the FERC is an independent federal agency that regulates the  
13       interstate transmission of electricity, natural gas and oil.  
14       We're located in Washington, D.C., headed by five  
15       presidentially appointed commissioners and about 1200 staff.  
16       We review proposals and authorize construction of interstate  
17       natural gas pipelines, storage facilities and liquefied  
18       natural gas terminals. We also have jurisdiction over the  
19       licensing and inspection of hydroelectric projects in some  
20       electric transmission corridors.

21                   The FERCs primary purpose is to oversee energy  
22       industries and the economic, environmental and safety  
23       interests of the American public. The FERC is the lead  
24       federal agency responsible for approving or denying this  
25       project. We're also working in formal cooperation with the

1 Corps of Engineers, represented here tonight, and the EPA.  
2 These agencies have assisted in providing input and review  
3 of our work as we evaluate Algonquin's proposal.

4 Algonquin has requested authorization to  
5 construct approximately 31.4 miles of natural gas pipeline.  
6 Thirteen miles would be new 36-inch diameter natural gas  
7 pipeline constructed in Norfolk County, Massachusetts, and  
8 18.5 miles would be replacement of existing pipelines with  
9 larger diameter pipe in Norfolk County, Massachusetts and  
10 New London County, Connecticut.

11 The project also includes a new compressor  
12 station in Bristol County, Massachusetts called the Rehobeth  
13 compressor station. There will be modifications to three  
14 existing compressor stations in Rhode Island, Connecticut  
15 and New Jersey and other pertinent facilities that necessary  
16 to safely operate pipelines such as various valves, meter  
17 regulator stations, and pig launchers and receivers.

18 Algonquin's pipeline system has traditionally  
19 received gas supplies from the Gulf and Appalachian regions  
20 and delivered those supplies to the Northeast. This project  
21 would allow Algonquin to reverse flow and accept increased  
22 supplies of natural gas at the east end of its system for  
23 delivery to markets in the Northeast. Increased supplies  
24 include new LNG terminals that are being constructed  
25 offshore in Massachusetts and in Canada.

1                   Before any decisions are made on this project,  
2                   FERC Staff conducts an extensive environmental review to  
3                   comply with the National Environmental Policy Act, also  
4                   called NEPA. Over the past year, we've been compiling and  
5                   analyzing data and comments from a variety of sources  
6                   including the applicant, the public, other resource agencies  
7                   and our own independent analysis and field work. Our  
8                   analysis findings and recommendations to ensure  
9                   environmental impacts are minimized are summarized in this  
10                  formal report, called a draft Environmental Impact  
11                  Statement. This draft Environmental Impact Statement was  
12                  issued on November 7th and mailed to everyone on our  
13                  environmental mailing list. We have some limited copies  
14                  with us tonight if you would like one as well. The document  
15                  is also available from our website at [www.ferc.gov](http://www.ferc.gov).  
16                  Pamphlets are available at the sign-in table that provide  
17                  detailed instructions on how to access our website if you'd  
18                  like to receive information on this project from there.

19                         At this point, we are about three-quarters of the  
20                         way through the formal comment period on this document. It  
21                         ends December 29th. There are a couple of ways we can take  
22                         comments and concerns. First, you can provide verbal  
23                         comments here tonight and, if you plan to speak, we asked  
24                         that you sign a speakers list that's at the sign-in table.  
25                         If you do not wish to speak, you can provide us written

1        comments by mailing a letter to the FERC or submitting your  
2        comments electronically through our website. There are  
3        instructions in the first few pages of this document that  
4        detail how to do that. We also have some yellow handouts at  
5        the sign-in table that provide those instructions as well.

6

7                    If you are going to send us written comments,  
8        please try to get them in before December 29th so that we'll  
9        have time to analyze your issues and provide an appropriate  
10       response. The Corps has a separate comment period and  
11       procedure for their permanent review process, which  
12       Lieutenant Colonel LEFEBVRE will describe in a moment.

13                   All of the comments provided to the FERC are  
14       placed in our public record and will be addressed in a  
15       revised version, called a final EIS. Written comments have  
16       equal stature to verbal comments, so you can do either. We  
17       will dedicate an appendix in our final Environmental Impact  
18       Statement specifically to listing all of the comments that  
19       we have received either verbally or written and providing a  
20       specific response to those issues. If you do not get a copy  
21       of this document and would like to be added to our mailing  
22       list, there's a list at the sign-in table where you can sign  
23       up to do that.

24                   It's important to note that the FERCs EIS -- this  
25       document is not a final decision document. It is prepared

1 to advise the FERCs Commissioners and to disclose to the  
2 public the environmental impact of constructing and  
3 operating the proposed project. Once our final EIS is  
4 complete, the document is published, mailed to those on our  
5 environmental mailing list and forwarded to our  
6 Commissioners. The Commissioners independently consider the  
7 environmental information in the EIS, along with other non-  
8 environmental issues, in determining whether to authorize  
9 the project.

10 If approved, the Commission will provide  
11 Algonquin a certificate of public convenience and necessity,  
12 which is essentially a permit authorizing the project. The  
13 certificate will require that Algonquin meet certain  
14 conditions to limit adverse environmental impacts.  
15 Algonquin will also have to obtain other various other  
16 permits before it can construct this project, including  
17 those under the Corps of Engineers' jurisdiction that you'll  
18 hear about in a moment. If approved, FERC environmental  
19 inspectors would monitor the project through construction  
20 and restoration, performing regular inspections to ensure  
21 environmental impacts -- environmental compliance, rather,  
22 with the conditions of the FERC certificate.

23 At this time, I'll turn the floor over to  
24 Lieutenant Colonel LEFEBVRE for some opening remarks.

25 LT COL LEFEBVRE: Good evening. I'd like to

1 welcome you to this joint public hearing on a request from  
2 Algonquin Gas Transmission for a U.S. Army Corps of Engineer  
3 permit to place fill material and impact wetlands in  
4 conjunction with the expansion of its existing 1100-mile-  
5 long gas transmission pipeline system in Massachusetts,  
6 Connecticut, Rhode Island and New Jersey. The proposed  
7 project is the subject of an Environmental Impact Statement  
8 being prepared by FERC with the U.S. Army Corps of Engineers  
9 as a cooperating agency.

10 We are here because an Army Corps of Engineer  
11 permit will be required to fill and/or impact an  
12 undetermined amount of wetlands in conjunction with the  
13 proposed project. Wetland impacts for the proposed  
14 alternative are about 59.6 acres of temporary wetland  
15 impacts, with permanent fill of approximately 0.16 acre, and  
16 conversion from forested wetland to scrub shrub and emergent  
17 wetland of approximately 4.4 acres. This joint hearing will  
18 serve two purposes: to gather comments about the Corps of  
19 Engineer permit review and to receive comments about the  
20 draft EIS being prepared by FERC.

21 Before we begin, I would like to thank you for  
22 involving yourself in this environmental review process.  
23 Please feel free to bring up any and all topics that you  
24 feel need to be discussed on the Corps of Engineer record.  
25 I assure you that all your comments will be addressed during

1 this permit decision process.

2 I am Lieutenant Colonel Stephen LEFEBVRE, the  
3 Deputy District Commander of the U.S. Army Corps of  
4 Engineers in New England. Our headquarters office is  
5 located in Concord, Mass. Other Corps of Engineer New  
6 England District representatives with me tonight include  
7 Heather Sullivan -- and these are all in the back of the  
8 room -- Heather Sullivan is the chief of the regulatory  
9 division, Larry Rosenberg is our chief public affairs  
10 officer, and Ted Lento is our project manager for this  
11 permit application.

12 The proposed project referred to as the hubline  
13 east to west expansion would involve the construction and  
14 operation of new and replacement pipeline, one new  
15 compressor station and modifications to three existing  
16 compressor stations. The work is proposed in waterways and  
17 wetlands within Bristol and Norfolk Counties in  
18 Massachusetts and New London County in Connecticut. This  
19 hearing is being conducted as part of the Corps of  
20 Engineers' regulatory program to listen to your comments, to  
21 understand your concerns and to provide you the opportunity  
22 to put your thoughts on the record should you care to do so.

23 I'd like to point out that no decision has been  
24 made by the Army Corps of Engineers with regard to the Corps  
25 permit decision. My job tonight is simply to listen to your

1        comments, to make sure the Corps of Engineers is fully  
2        informed of all the issues as we begin our deliberations on  
3        the permit application. I would like to briefly review the  
4        Corps of Engineer responsibilities in this process.

5                The Corps' jurisdictions in this case are Section  
6        10 of the Rivers and Harbors Act, which authorizes the Corps  
7        to regulate structures and work in navigable waterways of  
8        the United States, and Section 404 of the Clean Water Act,  
9        which regulates the discharge of dredged or fill material in  
10       waters of the United States, to include wetlands. The  
11       detailed regulation that explains the procedures for  
12       evaluating permit applications and unauthorized work is  
13       Title 33 of the Code of Federal Regulations, Parts 320  
14       through 330.

15                The Corps decision rests upon several important  
16        factors. First, the Corps must make a public interest  
17        determination. That is, we must determine whether or not  
18        the project is in the overall public interest based on the  
19        probable impacts of the proposed project on a wide variety  
20        of public interest factors. All factors which may be  
21        relevant to the proposal will be considered prior to our  
22        making a decision. Those factors include, but are not  
23        limited to, conservation, economics, aesthetics, the  
24        environment, fish and wildlife values, navigation,  
25        recreation, water supply, food production, and, in general,

1 the needs and welfare of the American people.

2 This public interest determination is done by  
3 weighing the benefits that may reasonably accrue from the  
4 proposal against the reasonably foreseen detriments. Only  
5 project deemed not contrary to the public interest may  
6 receive a permit.

7 Second, our decision will reflect the national  
8 concern for both the protection and utilization of important  
9 resources.

10 Third, in coordination with the National  
11 Environmental Policy Act or NEPA, any project that  
12 significantly affects the environment must have an  
13 Environmental Impact Statement. In this case, the FERC is  
14 the lead federal agency for preparing the EIS.

15 All factors affecting the public will be included  
16 in our evaluation. Your comments will help us in reaching a  
17 decision. The record of this draft EIS hearing will remain  
18 open and written comments may be submitted tonight or by  
19 mail to the Federal Energy Regulatory Commission by December  
20 29th, 2008. Comments on the Corps of Engineer permit review  
21 of this proposal should be sent to the Corps of Engineers by  
22 January 11th, 2009. All comments will receive equal  
23 consideration.

24 Lastly, to date no decision has been made by the  
25 Army Corps of Engineers with regard to this permit. It is

1 our responsibility to evaluate both the environmental and  
2 socioeconomic impacts prior to our permit decision. And in  
3 order to accomplish that decision we need your input. Your  
4 testimony and comments from this hearing will be posted on  
5 the FERC website after this hearing. Again, it is indeed  
6 crucial to this public process that your voice is heard, and  
7 I thank you for your involvement in this environmental  
8 review.

9 Thank you. I'll turn it back over to Shannon.

10 MS. JONES: Thank you.

11 We're now at the point where we're ready to take  
12 your comments. Speakers will be called up in the general  
13 order from the sign-in list, which is on its way up here  
14 now. When it's your turn, I'll ask that you please come to  
15 the microphone, state and spell your name for the  
16 transcriber, and identify any organization you may  
17 represent. If you're a landowner along the pipeline, it  
18 would be helpful if you could identify a pipeline milepost,  
19 if you know that information, or just your general  
20 location, if not.

21 When providing your comments, if you have any  
22 questions that can be readily answered by anybody at this  
23 table, we'll try to do so. Otherwise, your concerns will be  
24 addressed in the final EIS.

25 Because we need to ensure that we get an accurate

1 record of tonight's meeting, we have Ace-Federal Reporters  
2 here to provide transcripts. The transcripts will be placed  
3 in the public record at FERC, which can be accessed through  
4 our website. You're also welcome to make arrangements  
5 directly with the court reporter if you wish to purchase  
6 hard copies of the transcripts.

7 Steve Anastos.

8 MR. ANASTOS: Good evening. My name is Steve  
9 Anastos, that's A-n-a-s-t-o-s. I'm a selectman in the Town  
10 of Stoughton and I represent the Board of Selectmen. I was  
11 also on the negotiating committee that negotiated with  
12 Algonquin Gas.

13 We strongly support the preferred route as  
14 submitted to FERC. We believe that it has the least impact  
15 to the residents of Stoughton. We believe that we conducted  
16 a fair and honest negotiation that leaves the Town of  
17 Stoughton, when the project is complete, with 90-plus acres  
18 of beautiful pristine land that will be preserved for  
19 conservation and passive recreation. So, once again, we  
20 wholeheartedly support the preferred route. Thank you.

21 MS. JONES: Thank you.

22 Joseph Scardino.

23 MR. SCARDINO: Thank you. That's S-c-a-r-d-i-n-  
24 o. Thank you.

25 My name is Joseph Scardino and I'm a member of

1 the Algonquin Advisory Committee, which was appointed by the  
2 Board of Selectmen. You just heard from the past speaker,  
3 who is a member of the board. The advisory committee was  
4 set up as a group of residents in order to advise the town  
5 with respect to this project. We conducted public hearings,  
6 public meetings, negotiations with Algonquin. We hired  
7 consultants. And, after a careful review of all of those  
8 factors, we came to the conclusion that the preferred route  
9 that has been advocated by Algonquin Gas Company represents  
10 the interests of the town, the interests of the majority of  
11 the residents in the town, the town departments, as well as  
12 being mindful of the environment. That particular last  
13 point was played out in the report that our consultants  
14 prepared and was attached to the letter that was written by  
15 the Board of Selectmen and submitted on behalf of this  
16 proposal.

17 So in conclusion, after careful review and study  
18 of the residents, the environmental impact, and everyone's  
19 opinion that was directly impacted, we urge FERC to go  
20 forward with the preferred route with respect to this  
21 project.

22 Thank you.

23 MS. JONES: Thank you.

24 Jeanie Gately.

25 MS. GATELY: Good evening. Jeanie Gately, G-a-t-

1 e-l-y. I'm a resident of Randolph. I'm also on the  
2 Randolph Conservation Commission, but I'm also listed as an  
3 abutter to the project, approximately milepost 8 Randolph,  
4 so I'm refraining from dealing with the issues on  
5 conservation for Randolph.

6 I do have a concern though in reference to the  
7 Cranberry Brook watershed area of critical environmental  
8 concern, which is actually not within the jurisdiction of  
9 Randolph; it's actually within the jurisdiction of Holbrook  
10 and Braintree. But the area itself is of concern to  
11 Randolph because we do get -- a large portion of our  
12 drinking water is supplied from that area into the Ricadi  
13 Reservoir.

14 Historically Randolph has had water issues,  
15 probably the same as Braintree and Holbrook; we share the  
16 same water supply. Back in the late Eighties, Randolph and  
17 Holbrook had to close a number of wells because of  
18 contamination because of the Baird-McGuire incident. It's a  
19 Superfund site that the government came and cleaned up.  
20 There was contamination to groundwater. As a result of  
21 that, some of the drinking water that was used for those  
22 towns was compromised.

23 I've read over the proposals for the alternatives  
24 in that area, and the alternative 2 -- which was supported  
25 by FERC and then they made an adjustment to it so that it

1 became the alternative 2A -- I would be more in support of  
2 that than the other alternatives proposed for that area  
3 because it does keep it out of the environmental concern  
4 area.

5 I also have a question that maybe somebody from  
6 Algonquin can answer in reference to the tables, just for  
7 that area, the Cranberry Brook area. Table 3.3.2-3 on page  
8 3.14, the last column lists the proposed I10 extension and  
9 it compares it to the alternatives. But this table and  
10 other tables -- I'm sorry. The tables that I'm actually  
11 referring to are 3.4.1-1, 3.4.1-2 and 3.4.1-3. These list  
12 the environmental comparisons of each of the alternatives  
13 and the last column is the proposed I10 extension. It then  
14 compares the alternative to the proposed route. The column  
15 though at the end, which is the proposed route, changes from  
16 each of the tables, and I was just -- just had a question as  
17 to why it's changing if the proposed route is one route and  
18 each of the alternatives actually deviates from that route.

19 Is that something they'll address later, or is  
20 that something --

21 MS. JONES: I can address that. The last column  
22 that shows the impacts of the I10 changes between those  
23 different alternate routes because there's different  
24 corresponding sections of that I10 that relate to the  
25 alternative. I'm trying to figure out the best way to

1 explain this.

2 MR. BROWN: In our view, to make a fair  
3 comparison of an alternative to that corresponding segment  
4 of the proposed route, you have to compare the section of  
5 the proposed route where the alternative breaks off and then  
6 where it rejoins the proposed route. So to the extent that  
7 there would be different alternatives that are different  
8 lengths, then the section of the proposed route that we  
9 would be comparing that to would be different in length as  
10 well.

11 MS. GATELY: But wouldn't that be true, because  
12 you're comparing the alternative to the proposal -- because  
13 the proposal is one proposal, correct, it doesn't change  
14 from table to table?

15 MR. BROWN: No, no, actually that's not true.  
16 The section that we would compare the alternative to is  
17 where the alternative breaks off from the proposed route and  
18 where it rejoins the proposed route. So for example if the  
19 alternative broke off at milepost 10 and came back at  
20 milepost 11, the section of the proposed route that we would  
21 list in that table would be milepost 10 to milepost 11. If  
22 the alternative broke off at milepost 10 and came back at  
23 milepost 14, then the proposed route section that we would  
24 list in that table would be milepost 11 to milepost 14 to  
25 make it a fair comparison.

1 MS. JONES: So it's trying to compare the equal  
2 portions of the route that would be affected if you took an  
3 alternative and the alternatives come off and come back at  
4 different places along the route. So that's why that  
5 section of the proposed route moves depending upon the  
6 orientation of the alternative you're comparing it to.

7 MS. GATELY: You're talking about the section of  
8 the preferred route?

9 MS. JONES: That's correct.

10 MS. GATELY: Okay. I think that that's basically  
11 my concern as far as the quality of the water that's  
12 supplied to those three towns. Water also as well as energy  
13 is a vital component for survival. I think I need my water  
14 before I need my energy, though.

15 Thank you.

16 MS. JONES: Thank you.

17 Valerie Ordway.

18 MS. ORDWAY: Hi. My name's Valerie Ordway.  
19 It's O-r-d-w-a-y.

20 And I just want on the record that I didn't  
21 receive this book. I did write a letter of concern how this  
22 project would affect our property. I thought I was on the  
23 mailing list but I didn't receive it, so I guess I'm not.  
24 So I will sign up to be on the mailing list.

25 So I may not have the right terms in speaking,

1 but I just want to express my concerns. And that is in the  
2 proposed line that runs from Sharon, Massachusetts from  
3 Richards Avenue to Bullard Street. There's that section of  
4 the line that runs through some conservation land and it  
5 also runs through part of our property. And on our property  
6 we run a small equine business -- my daughter runs it -- and  
7 we access those trails in the back and we're concerned about  
8 the footing being restored. Horses can sink in -- they're  
9 heavy animals, four legged, and one leg can go in and they  
10 can hurt themselves. We're concerned about that.

11 We're concerned for the safety during the  
12 construction of noise -- we can't control animals. We can't  
13 control their reaction. So there's a safety concern of the  
14 people who ride their horses on our property. How long the  
15 construction will last; I don't know if it's a month long,  
16 two months, I have no idea.

17 Is there anything else -- my husband, Frank --  
18 oh, there's also a segment of wetlands as you go further  
19 down toward Bullard. I would hope that they wouldn't be  
20 drained. There's what I consider a vernal pool -- I don't  
21 think that one's document, but I can certainly work on that  
22 -- that they will have to go through -- the pipeline is  
23 under that vernal pond. And it also is the smaller segment  
24 of a huge pond in the back and I would hope they wouldn't  
25 drain that to dig the pipe, that they would somehow block it

1 off so that could be preserved and the wildlife there.

2 So -- is that it? I guess so. Okay. That's it.  
3 Thank you.

4 MS. JONES: Thank you.

5 Bruce Isadore.

6 MR. ISADORE: Hi, my name is Bruce Isadore, I'm  
7 an attorney with Isadore & Aaron LLP and we represent a  
8 landowner, Oakwood Estates LLC, which owns land in the area  
9 where the compressor station is being built in Rehoboth. We  
10 intend to respond -- I see in the papers here that you can  
11 respond by December 29th in writing and there's other ways  
12 to respond than this meeting, so we're not going to take up  
13 time with a number of concerns we have that we think will be  
14 better addressed by putting them in writing. But there are  
15 some concerns with respect to some safety issues, fire,  
16 truck access and so forth with respect to the compressor  
17 station that we can address later.

18 We do have a concern that I just wanted to touch  
19 upon here. I think Commissioner Kelliher in October of  
20 2007, it was some time in that period, where your rules were  
21 amended to provide that abutters that were located within  
22 half a mile of a newly -- or a to be newly constructed  
23 compressor station were to get notice of what was taking  
24 place, and that I think significantly expanded the distance  
25 area from the previous rules.

1           And it was done -- we have -- at least in the  
2           announcement of Commissioner Kelliher said expanding the  
3           notification requirements is the Commission's latest step in  
4           protecting landowners and ensuring they have more  
5           opportunities to raise land use issues regardless of whether  
6           the property contains residences. The rule will further  
7           enhance public participation in the Commission's  
8           consideration of proposed projects and ensures that  
9           compressor projects completed under blanket certificate  
10          authority will not cause significant environmental impact.

11           Our office made a Freedom of Information Act  
12          request to FERC to be able to get the list of people who  
13          were notified in this area because we had some belief that  
14          there were residences that on some plans that were submitted  
15          were not shown as residences and that there were people in  
16          the area that may not have gotten notice. We were not sure,  
17          so we just asked for this.

18           This was opposed by Spector Energy, Algonquin's  
19          parent, accompanied with a paragraph that, as an attorney,  
20          shocks me stating that Algonquin submitted the identified  
21          stakeholders list -- I assume that definition is the people  
22          that were within, landowners within 2600 feet -- as  
23          privileged because the revelation of such information to the  
24          public would be an unwarranted invasion of the privacy of  
25          these stakeholders, many of whom are on the list merely

1       because the proposed facilities are near their private  
2       residences. I mean, this is an argument that pulls you up  
3       by your own bootstraps.

4                 We know who these people are, they're listed on  
5       assessors' records, they're listed in public records in the  
6       town. I could come in here and give you every one of them  
7       in a heartbeat if that's what you wanted. There's no  
8       privacy issue with respect to who they are because they're -  
9       - who they are is published in the registry of deeds as well  
10      as all the town assessor records. What we're trying to find  
11      out is whether these people actually got notice. A  
12      compressor station is a pretty big deal, it has danger and  
13      safety issues, and they should be notified. And we don't  
14      know.

15                And we don't understand why FERC themselves  
16      doesn't either monitor this or in fact require that they be  
17      the entity that gives the notice to make sure that the  
18      people within 2600 feet are getting that notice. We're  
19      still at a crossroads here apparently because of this fight.

20                And so I just wanted to go on record again -- and  
21      we have some further correspondence to submit -- that I  
22      think this is a public record as to who is located within  
23      2600 feet and there may be people -- and I can't speak to  
24      this, but if there are people that have not gotten notice  
25      within 2600 feet, then they're being deprived of being --

1 attending a hearing here because they may not even know that  
2 there's a compressor station even being built.

3 So I don't know -- and you might answer this  
4 question -- as to whether you intend to hold any further  
5 hearings or whether this is the last hearing. But you may,  
6 you may not, have people who should have gotten notice in  
7 this who have not gotten notice, and I'm not sure why this  
8 is such a protected issue vis- -vis it's kind of the doth  
9 protest too much. If Algonquin is writing a letter saying  
10 they don't want to allow this list to be circulated, it  
11 gives some concerns as to whether everybody that was  
12 supposed to be on a list has gotten notice.

13 Just as a question, is there another hearing  
14 that's going to take place or is this the last public  
15 hearing on this?

16 MS. JONES: This is the last public hearing -- or  
17 meeting, rather, that we are planning for this project.

18 MR. ISADORE: Okay. I think if at some level  
19 that could be dealt with, our FOIA request, I mean, it would  
20 probably go a long way to determining whether you do have  
21 people out there certainly by December 29th who would like  
22 the opportunity to comment who haven't been granted that  
23 opportunity because they don't know about the project.

24 As I said, with respect to some of the other  
25 issues which deal with the construction and the fire safety,

1       how much land needs to be taken by eminent domain -- because  
2       effectively, effectively when you do this, you turn land  
3       that may have been, in this case, residentially zoned into  
4       industrial use, okay. And I think there at least should be  
5       some concern in terms of the area that's affected by this  
6       compressor station in terms of both noise levels,  
7       construction and subsequent dangers.

8               We are aware of a pipeline that recently -- it  
9       was not Algonquin's, but of a pipeline that recently blew up  
10      in Lynchburg, Virginia. These are not always -- as much as  
11      everybody tries to make sure these are safe, it's not always  
12      safe and you need to have these protections in place and I  
13      would think that protections that ultimately at the end of  
14      the day preclude construction within a significant  
15      geographic area by allowing them to take that by eminent  
16      domain would be prudent.

17             Okay. Thank you.

18             MS. JONES: Thank you.

19             Bill Devine?

20             MR. DEVINE: I'm going to pass. I'm not going to  
21      talk.

22             MS. JONES: Okay.

23             Dan Nagle.

24             MR. NAGLE: Good evening. My name is Don Nagle,  
25      N-a-g-l-e, and I'm here on behalf of Conroy Development

1 Corporation, a landowners in Stoughton, land that may be  
2 impacted by this proposed development. Conroy is also  
3 working jointly with the Town of Stoughton to close the --  
4 to cap and close the Stoughton landfill, and the landfill is  
5 also property that may be impacted by this proposed  
6 pipeline. So my comments -- we'll be providing written  
7 comments by the end of the month. So I'd just like to  
8 highlight the comments here verbally that relate to the  
9 private property of Conroy and also as it relates to the  
10 impacts to the capping and closing of the Stoughton  
11 landfill.

12 The DEIS failed to note a proposed commercial  
13 development on a parcel owned by Conroy, and that parcel is  
14 referred to in the DEIS as 1-10-176.1. And this is located  
15 approximately between milepost 9.8 and 10.2. Conroy is the  
16 owner, as I said, of this parcel. The parcel is slated for  
17 commercial development. The list of proposed developments  
18 on page 4-142 of the DEIS does not include this parcel, and  
19 that omission should be corrected in the FEIS to include  
20 that parcel. And again it's identified as parcel 1-10-  
21 176.1.

22 Specifically, the current layout on file in the  
23 FERC filing shows that there are permanent and temporary  
24 easements encumbering that parcel. Also, a temporary  
25 jacking station is also located on that property, on that

1 parcel. Either one of those -- the presence of either one  
2 of those encumbrances may completely undermine the efforts  
3 of Conroy to develop that property.

4 Conroy is in negotiations with Algonquin with  
5 regard to the layout to try to find a solution to avoid  
6 impacts. Those negotiations need to proceed on an expedited  
7 basis so that a solution could be achieved that's  
8 satisfactory to both parties and incorporated into a new  
9 filing with FERC.

10 My second comment relates to the landfill, the  
11 Stoughton landfill, and that's located approximately between  
12 milepost 9.7 and 10.2. Again, we have been in discussions  
13 with Algonquin with regard to the current layout. The  
14 current layout does pose significant issues and problems  
15 with regard to Conroy's and the town's legally imposed  
16 obligation by the Mass Department of Environmental  
17 Protection to cap and close the landfill.

18 We brought that to the attention of Algonquin and  
19 have -- and our discussions are ongoing there. The current  
20 layout really saddles right up next to the edge of the  
21 landfill proper but also is overlaying an area of what I  
22 call waste excursion. We are in discussions with Algonquin  
23 with regard to addressing the layout, how the landfill will  
24 be capped and closed and consistent with Algonquin's plans  
25 for the pipeline.

1           Algonquin -- in furtherance of that, Algonquin  
2           has produced revised alignment sheets seeking to address our  
3           concerns, and specifically revised plans have been submitted  
4           to the Stoughton Conservation Commission which demonstrates  
5           progress -- not a complete solution but I must say progress  
6           towards addressing the concerns Conroy has expressed to  
7           them. But they're not completely resolved.

8           These revised alignment sheets have not been  
9           formally submitted to FERC under Docket CP08-420. My point  
10          here is that again, like -- as in the commercial property  
11          owned by Conroy, Algonquin's negotiations with Conroy with  
12          regard to the landfill need to be resolved on an expedited  
13          basis. The resolution to that needs to be incorporated into  
14          the FERC filing and made public.

15          My next comment relates to potential blasting on  
16          parcels 1-10-174, 1-10-176 and 1-10-176.1. This land is in  
17          and around Reebok Drive, which is appurtenant to land owned  
18          by Conroy. The DEIS, on page 2-30, identifies areas where  
19          blasting may be required. There's no mention of blasting on  
20          these parcels, however, Algonquin has acknowledged to us  
21          that blasting may be required in these areas. The FEIS  
22          should specifically describe the extent of blasting that  
23          will be required on those parcels, if any.

24          I mentioned a moment ago, regarding the landfill,  
25          that there is a so-called waste excursion beyond the

1 footprint of the landfill proper that goes -- that is  
2 located on the pipeline layout. The DEIS indicates that the  
3 pipeline has been rerouted near the Stoughton landfill.  
4 Again, we believe that is a result of discussions with  
5 Conroy in an effort to address the issues that we raise with  
6 them, but these alignment sheets showing the revision have  
7 yet to be filed under Docket CP08-420. Now I recognize that  
8 this requires further discussion between Algonquin and  
9 Conroy to incorporate addressing multiple complex issues in  
10 terms of coordinating the landfill closure, addressing the  
11 waste excursion and the final layout of the pipeline.  
12 Again, those need to be resolved on an expedited basis and  
13 incorporated into the formal filings.

14 To emphasize that point, Conroy has legally  
15 committed to the Mass DEP, as I mentioned before, to address  
16 this waste excursion. A lateral waste remedial action plan  
17 dated October 24th of this year was submitted to DEP which  
18 would describe -- that does describe measures that Conroy  
19 would need to take to address this waste excursion. DEP is  
20 currently reviewing that proposal and will, upon completing  
21 their review, will likely turn around and require that this  
22 waste be addressed on an expedited basis. So that just  
23 underlines and highlights the need for Algonquin and Conroy  
24 to resolve the complicated issues resolving the landfill  
25 closure and the waste excursion.

1           The DEIS -- again, my next comment relates to  
2           again another aspect of dealing with solid waste that  
3           really, in effect, spilled over from the Stoughton landfill  
4           onto this right-of-way. The DEIS indicates that if waste is  
5           encountered during Algonquin's construction -- quote -- "all  
6           construction work in the immediate vicinity would be halted  
7           until an appropriate course of action is determined."

8           Well, my comment is that Algonquin should remove  
9           that waste and dispose of it appropriately. We are in  
10          discussions with Algonquin on that very topic, which again  
11          should -- not a moment should be wasted to conclude those  
12          negotiations and finalize that plan, particularly due to the  
13          fact that DEP will be seeking a resolution to that on an  
14          expedited basis. How expedited, we don't know, but we want  
15          to be ready for them when they come knocking.

16          And my last comment relates to the need for site-  
17          specific construction plans. Again, this really still  
18          relates to the area around the landfill. The FERC comments  
19          with regard to site-specific construction plans addresses  
20          the need for such plans 50 feet or less from in start  
21          transmission towers. So what we have is we have the  
22          pipeline layout, we have in start transmission towers really  
23          in the same right-of-way, which is right next to the  
24          landfill.

25          So my comment here is that these site-specific

1 plans -- we urge that these site-specific plans be  
2 generated, necessary field work be done to generate those  
3 plans and that those plans be submitted in the appropriate  
4 filings so that there is a greater level of clarity as to  
5 what will happen and when and specifically where in and  
6 around this area.

7 Thank you.

8 MS. JONES: Thank you.

9 That concludes all the speakers on my list. Is  
10 there anybody else who would like to provide comments  
11 tonight?

12 VOICE: Yes, I would.

13 MS. JONES: Yes, Ma'am.

14 VOICE: I didn't put my name on the list.

15 MS. JONES: Ma'am, that's fine. If you could  
16 just come to the microphone and state your name and if you  
17 could spell it that would help our transcriber as well.

18 MS. HANEEF: My name is Saliha, S-a-l-i-h-a  
19 Haneef, H-a-n-e-e-f, and I'm a resident of Sharon. And we  
20 are landowners and we have property at Q157(b) and (d). And  
21 my question -- I have talked to some of the representatives  
22 of Algonquin during this last few months and I've asked them  
23 questions which they were unable to answer. And what's  
24 happening, at the rear of our land we have an existing 24-  
25 inch pipe and that's where they're going to put the 36-inch

1 pipeline, but they're going to move it to the rear of the  
2 property, which we have no problem with that; moving it  
3 further away from our home is fine, we welcome that. But  
4 the thing that I'm concerned about is why are they going to  
5 leave the 24-inch pipeline in existence.

6 And I questioned them as to what was going -- and  
7 they said they're leaving it there because of some future  
8 need. That means that we would have at some point in time  
9 maybe two pipelines in back of our property, and I can't  
10 understand why there would be a need for two pipelines on  
11 the same property.

12 So my concern is can they remove -- when they're  
13 putting in the new 36-inch line, can they remove the 24-inch  
14 one that's already there? It will be dead. They told me  
15 there will be no gas or anything in it; it will just be a  
16 pipe in the ground. As it is now, we can't use that land at  
17 all, because we can't plant trees, we can't do anything, the  
18 pipeline is going there. If they're going to put it at the  
19 rear of the property, that means that that would open up  
20 that land for our use. So this is going to be an economic  
21 impact as well, because they're going to deny us the use of  
22 the land and they're going to make another easement at the  
23 rear of the land, so they will have two easements on our  
24 land.

25 So I can't understand why that's going to happen

1 and I was wondering if there's some way that they can --  
2 when they're joining the new pipeline, can they just remove  
3 the pipe that exists? Because if it's just for future need,  
4 would they have to come back and go through another hearing  
5 and get another permit, as they're doing now, or would that  
6 existing pipeline just automatically be able to be used and  
7 two pipelines going on the same property. That's my  
8 question and my concern and the concerns of all of us.

9 And we were concerned as well that safety -- you  
10 know, if they're putting in a bigger pipeline, does that  
11 mean it's less safe than the smaller one and they're putting  
12 it further away. Would that increase the danger? Because  
13 we're very much concerned -- as I heard one of the people  
14 here mentioning, we recently heard about the pipe that  
15 exploded. That's always been our concern, we have children  
16 and they play over there, they play on those -- you know,  
17 they have the poles coming up out of the ground. I'm always  
18 concerned that children are going to go over there and do  
19 something.

20 Will they be fencing that area off so that there  
21 -- you know, we have three families that live there and all  
22 of them have small children. We can't keep them in the  
23 house all the time, they go out sometimes and they go out in  
24 the woods and they go near those pipelines. Can there be a  
25 requirement that they put fences around these things when

1 they put them in?

2 And I think that's basically -- my husband -- do  
3 you have any other concerns?

4 And that's my question is if, in the future, they  
5 would have two pipelines, would they have to go back and get  
6 permits? Would there be public hearings like this so that  
7 people can voice their opinions at that time? I mean, I  
8 probably won't be here, but my children and grandchildren  
9 will be here and, you know, we're concerned about will we  
10 have two of those things in back of our property, in back of  
11 our home.

12 Thank you.

13 MS. JONES: Thank you.

14 Is there anybody else this evening? Yes, sir.

15 MR. GOLDSTEIN: Can I put one of these or --

16 MS. JONES: That's fine. If you could just come  
17 and just state and please spell your name.

18 MR. GOLDSTEIN: Thank you. My name is Richard  
19 Goldstein, R-i-c-h-a-r-d G-o-l-d-s-t-e-i-n. I'm  
20 representing 139 Realty Trust.

21 I just have a procedural question. Algonquin is  
22 attempting to get a permit from the Army Corps of Engineers  
23 and from FERC. Is it an all or nothing or are you partially  
24 going to make recommendations and changes in order to  
25 accommodate their permit?

1                   MS. JONES: These projects require a lot of  
2 various permits from federal, state and local agencies, and  
3 the FERC is the umbrella federal agency that is reviewing  
4 the project alignment and can recommend to make changes in  
5 construction methods and locations and mitigation measures  
6 to ensure impacts are minimized. And we will ultimately  
7 approve or deny the projects. Oftentimes they're modified  
8 through recommendations that go into our authorization.  
9 These projects also require other federal permits from  
10 agencies such as the Corps of Engineers and they are  
11 required to apply for those permits at the same time they  
12 apply with us and they have their own timeline. But we do  
13 monitor the progress of those permits. We also encourage  
14 the companies to cooperate to achieve all of their state and  
15 local permits.

16                   MR. GOLDSTEIN: But the alternative route as  
17 proposed now is basically the route that is being applied  
18 for for the permit?

19                   MS. JONES: Yes, there's one proposed route that  
20 should be consistent in all the permit applications.

21                   MR. GOLDSTEIN: Now as far as the Army Corps of  
22 Engineers is concerned, I know, we being landowners if we  
23 tried to adjust any wetlands or verner pools, et cetera, we  
24 certainly wouldn't be able to do it. You are able to bypass  
25 those rulings?

1                   LT COL LEFEBVRE: Sir, there's various things -- I  
2 mean, we analyze all of the information that comes up. I  
3 mean, I can't talk about specifics right now, but we assess  
4 what type of impacts there are on wetlands and there are  
5 different ways to mitigate those and we would look into all  
6 those and make our permit decision based on those. And if -  
7 - whatever impacts there are and we deem there's certain  
8 mitigation and the project would -- or FERC and Algonquin  
9 would comply with those, then we would issue the permit. If  
10 we don't feel that, you know, that is the case, then we  
11 would not issue the permit. But we would have to look at  
12 all those impacts and do the analysis based on all the  
13 information and issue our permit.

14                   MR. GOLDSTEIN: Fine. Thank you very much.

15                   LT COL LEFEBVRE: Sure.

16                   MS. JONES: Yes, Ma'am.

17                   MS. SCHULTZ: I apologize. I came in late, so my  
18 name is not on the list. But I've been listening -- I'm  
19 hard of hearing, so I haven't heard what everybody has had  
20 to say, but I think I'm probably closer to this lady here in  
21 my concerns because I'm an individual homeowner. My name is  
22 Bennette, B-e-n-n-e-t-t-e, my last name is Shultz, S-h-u-l-  
23 t-z, and I live in Randolph. And I've already been told  
24 that the project is going to be going through my land. And  
25 I was also told that it would -- in answer to my questions,

1 by the way -- that the project would probably not begin  
2 until the spring, some time about the beginning of May. And  
3 when I questioned as to how long it would be going on in  
4 terms of my property, I was told approximately eight weeks.

5 I would want in writing to know exactly when it's  
6 going to begin, when at the latest it's going to end and  
7 what it's going to involve. I don't know if there's going  
8 to be blasting on my property, I don't know if I'm going to  
9 be able to stay in my house or I'm going to have to move out  
10 and move into a hotel for the time being, I don't know what  
11 the ramifications are, what's going to happen afterwards.  
12 I'm really in the dark in spite of the efforts of your very,  
13 very pleasant representative to explain to me as far as he  
14 knows what's going on.

15 But before I would sign any release for an  
16 easement through my property, I feel I have a right to know  
17 and I would want to know exactly what this is going to  
18 entail during and after, exactly what has to be done. And  
19 then my question would be supposing I don't like the sound  
20 of it and I don't want to agree to it then what happens? Do  
21 I have any recourse or is it going to happen anyway  
22 regardless of what I say?

23 And I also understand that there's going to be  
24 some form of reimbursement to individual property owners.  
25 And I would like to know how much that would be, for what.

1 As I say, I don't know if I'm going to have to be staying in  
2 a hotel while the work is going on and so forth.

3 I really think that the individual homeowners  
4 need to know more in writing exactly as to what this  
5 entails. I think it's still too vague right now. And I  
6 would never sign anything unless I knew exactly in writing  
7 what it entails.

8 Thank you.

9 MS. JONES: Thank you.

10 Is there -- yes, sir.

11 MR. DEVINE: William Devine, D-e-v-i-n-e. I've  
12 been told, when I came tonight, there's a new plan that's  
13 been presented, a location of a compression station; it's  
14 dated 11/8/2008, which is very recently.

15 There's a new plan on the -- it's the only one  
16 that is not a color photo up there. It's a new plan, it's  
17 got new names on it, it's got new lines, and my question to  
18 you is did you receive a copy of that plan to revise the one  
19 you received on June 20th, 2008?

20 MS. JONES: That would be something I'd have to  
21 look into.

22 MR. DEVINE: Pardon?

23 MS. JONES: That would be something I'd have to  
24 look into.

25 MR. DEVINE: How do I get a copy of this plan

1 right here? Do they want to give it to me before I leave so  
2 I can take it home with me tonight?

3 MS. JONES: We can check into that after the  
4 meeting concludes.

5 MR. DEVINE: Okay. It's not online or anything  
6 like that, correct?

7 MS. JONES: I couldn't say at this point from  
8 this distance whether it is or not. I'd have to check into  
9 it.

10 MR. DEVINE: Okay. Thank you.

11 MS. JONES: Is there anybody else here tonight  
12 who would like to provide verbal comments?

13 (No response.)

14 MS. JONES: Okay. Without any more speakers,  
15 we'll conclude the formal portion of this meeting. On  
16 behalf of the FERC and the Corps of Engineers, I'd like to  
17 thank all of you for coming here tonight. We will remain  
18 afterwards if you have additional questions for us. This  
19 meeting is concluded.

20 (Whereupon, at 8:15 p.m., the scoping meeting was  
21 concluded.)

22

23

24

25