

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

CERTIFIED MAIL RETURN RECEIPT REQUESTED

December 9, 2008

Marianne Barbino Dubuque
Carmody & Torrance LLP
50 Leavenworth Street
P.O. Box 1110
Waterbury, CT 06721-1110

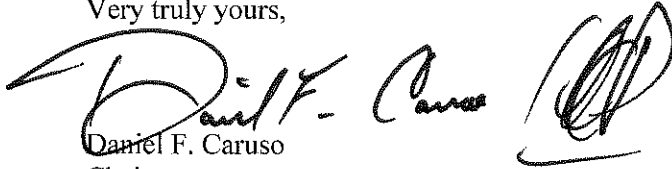
RE: **PETITION NO. 869** - Algonquin Gas Transmission, LLC petition for declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed interconnection of Algonquin's existing W-System with the Kleen Energy Generating facility off River Road in Middletown, Connecticut.

Dear Attorney Dubuque:

At a public meeting held on December 4, 2008, the Connecticut Siting Council (Council) considered and ruled that this proposal is within the exclusive jurisdiction of the Federal Energy Regulatory Commission, and would not require a Certificate of Environmental Compatibility and Public Need. The Council requests that Algonquin Gas Transmission, LLC follow the recommendations of the Department of Environmental Protection in regards to the Eastern Box Turtle, as set forth in their correspondence dated September 18, 2008.

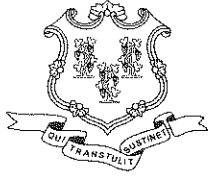
Enclosed for your information is a copy of the petition staff report and the Department of Environmental Protection's September 18, 2008 correspondence.

Very truly yours,


Daniel F. Caruso
Chairman

Enclosures: Staff Report dated December 4, 2008
Department of Environmental Protection, September 18, 2008 letter

c: The Honorable Sebastian N. Giuliano, Mayor, City of Middletown
William Warner, AICP Director, City of Middletown
Service List for Docket No. 225



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Petition No. 869

Algonquin Gas Transmission, LLC

Middletown, Connecticut

Staff Report

December 4, 2008

On October 10, 2008, Algonquin Gas Transmission, LLC (AGT) filed a petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the interconnection of Algonquin's existing W-System with the Kleen Energy generating facility off River Road in Middletown, Connecticut. Connecticut Siting Council member Brian Golembiewski and Council staff member Robert Mercier conducted a field review of the proposed installation on November 18, 2008. Algonquin representatives Edward Harney, Nikki La Bella, and Marianne Dubuque attended the field review.

Algonquin seeks a declaratory ruling that the project is within the exclusive jurisdiction of the the Federal Energy Regulatory Commission.

The proposed project consists of the installation of a 1.13-mile long, 20-inch diameter pipeline and a related meter station to provide natural gas to the Kleen Energy facility presently under construction. The lateral pipeline would begin at an interconnect with AGT's existing W-System pipeline at the NRG Power Plant facility on River Road in Middletown and terminate at the proposed meter station on Kleen Energy's property.

The proposed pipeline is primarily located within River Road, an existing paved roadway. A short section of the lateral would extend across NRG's property, and across an abandoned railway in a 50-foot wide right-of-way. The exact route across NRG's property is still in the design phase. The proposed meter station would be located adjacent to River Road, in an area that once contained silos related to a previous mining operation. The meter station would occupy a two-tiered compound enclosed by a 6-foot high chain link fence. The upper tier would accommodate a 40-foot by 155-foot meter station. The lower tier would accommodate an 18-foot by 70-foot receiver pad. A 250-foot long access road would be constructed from River Road.

Construction and operation of the proposed project would affect about 18.6 acres, including the pipeline (4.3 acres), meter station (0.9 acre), temporary workspaces (11.6 acres), and access roads (1.8 acres). The construction period would last about four months with a projected construction start period of fall 2009.

A man-made drainage swale adjacent to the existing railroad bed would be temporarily impacted by construction (871 square feet). Restoration would involve returning the swale to pre-construction contours and seeding in non-inundated areas with an annual ryegrass which would temporarily stabilize the soil until native vegetation reestablishes naturally. AGT will comply with any conditions imposed by the Middletown Wetlands Agency (application pending).

The work would be conducted within the range of the eastern box turtle, and although most of the project is within an existing roadway, the CT DEP recommends that AGT educate the construction crew regarding the presence of the turtles and retain an environmental inspector to conduct daily sweeps of the work area during the turtle's active season (April – October).



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
FRANKLIN WILDLIFE MANAGEMENT AREA

391 ROUTE 32
NORTH FRANKLIN, CT 06254
TELEPHONE: (860) 642-7239



September 18, 2008

Mr. John Zimmer
ENSR
95 State Road
Sagamore Beach, MA 02582-2415

re: Algonquin Gas Transmission "Kleen Energy Project", Middletown

Dear Mr. Zimmer:

Your letter was received by me on 9/8/08 detailing the effects of your project on the two listed species; the state threatened species, Tidewater mucket (*Leptodea ochracea*) and a species of special concern; Eastern Box Turtle (*Terrapene carolina*).

Since you indicate that there will be no in-water work or riverbank work: the DEP Wildlife Division concurs with your assessment that the Tidewater mucket will not be impacted by this project.

The Wildlife Division agrees with your recommendations to avoid impacts to Eastern Box Turtles, namely:

1. to hire an environmental inspector to conduct daily surveys during the turtle's active season (April -- October), identify and relocate any turtles located within the project workspace out of harm's way but to keep them as close to the area that they were found in as this species has a relatively small home range.
2. to educate contractors about the identification of box turtles and the actions they should take when one is encountered.
3. to place box turtle educational signs along the limits of the workspace.

Enclosed is a copy of the DEP Natural Diversity Database Special Animal Survey Form. The information required on this form, along with a photo of the turtle, will be all that is necessary for data collection.

Unless your environmental inspector is conducting a long-term study on Eastern box turtles, marking of turtles is not recommended. In cases where marking is being performed a scientific collectors permit is required for all activities that involve capture, marking, salvage or release or disturbance of a protected wildlife species. The application can be found at:

http://www.ct.gov/depr/b/depr/wildlife/forms_applications/collectwild.pdf

Standard protocols for the protection of wetlands should be followed and maintained during the course of the project. Additionally, all silt fencing should be removed after soils are stable so that reptile and amphibian movement between uplands and wetlands is not restricted.

If you have any additional questions, please feel free to contact me at Julie.Victoria@ct.gov, please reference the NDDB # at the bottom of this letter when you e-mail or write. Thank you for the opportunity to comment.

Sincerely,

Julie Victoria
Wildlife Biologist
Franklin Swamp Wildlife Management Area
391 Route 32
N. Franklin, CT 06254

cc: NDDB - 16137

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Kleen Energy Systems, LLC	Mr. William C. Corvo President Kleen Energy Systems, LLC P.O. Box 2696 Middletown, Connecticut 06457 (860) 632-1044 Biagio6539@aol.com Lee D. Hoffman, Esq. Pullman & Comley, LLC 90 State House Square Hartford, Connecticut 06103-3702 (860) 424-4315 (860) 424-4370 - fax
Intervenor	NRG Middletown Power LLC	Aimee L. Hoben Alfred E. Smith, Jr. Murtha Cullina LLP Two Whitney Avenue P.O. Box 704 New Haven, CT 06503 (203) 772-7000 (203) 772-7723 - fax
Intervenor	The Connecticut Light and Power Company	Daniel Venora Associate General Counsel Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3395 (860) 665-5504 - fax
Intervenor	City of Middletown	Timothy P. Lynch Deputy City Attorney City Attorney's Office City of Middletown 245 deKoven, P.O. Box 1300 Middletown, CT 06457-1300 (860) 344-3422 (860) 344-3499 - fax

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SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor	Earle Roberts - WITHDRAWN -	Earle Roberts 785 Bow Lane Middletown, CT 06457-4810 (860) 346-0068 (860) 344-9327 - fax
Intervenor	Connecticut River Watershed Council, Inc.	Christopher Joyell Connecticut River Watershed Council, Inc. DeKoven House Community Center 27 Washington Street Middletown, CT 06457 (860) 704-0057 (860) 528-3588 - fax