

**Commissioner Richard Ball**

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**Honorable Andrew M. Cuomo**

Governor of New York State  
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**March 1, 2016**

RE: Farmland Impacts From Existing and Proposed Millennium Gas Pipeline/CPV Valley Energy Project

Dear Officials:

The Millennium Pipeline company is seeking to construct a lateral pipeline through the Towns of Minisink and Wawayanda in Orange County in order to serve the CPV Valley Power plant. The project was recently approved by the Federal Energy Regulatory Commission (**Docket CP16-17**), but still requires several permits under the jurisdiction of the NYSDEC and ACOE.

During the environmental review process the Department of Ag & Markets was consulted and referred to their general agricultural mitigation standards for transmission pipelines. They further advised that project specific mitigation plans would be developed. However, information has been brought to our attention indicating that there is a high probability irreparable harm to protected farmland will occur from the Preferred Alternative which cannot be mitigated or remediated. We therefore request that NYSDAM revise its consultation to discuss and fully disclose this failure, and hence object to the Preferred Alternative.

Millennium Pipeline has an existing 30-inch pipeline crossing through the Black Dirt region of Orange County which was installed between 2006 and 2008. Since that time, at least one impacted farm owner has been struggling with a number of significant adverse impacts related to the pipeline. Protect Orange County has conducted an analysis of some of those impacts using both aerial photography and GIS mapping. Our analysis documents clear evidence of adverse impacts on farmland that could not be mitigated or remediated by this pipeline company now seeking expansion. Please see our findings as follows:

[http://bit.ly/VLC\\_farmland\\_impacts](http://bit.ly/VLC_farmland_impacts)

In addition and consistent with our findings, the results of a five-year monitoring program conducted by the pipeline company itself in coordination with the Department of Ag and Markets has been released acknowledging a 42% decrease in crop yield along the pipeline ROW. A copy of this report is available as follows:

[http://bit.ly/AECOM\\_monitoring\\_report](http://bit.ly/AECOM_monitoring_report)

These are significant adverse impacts in a Critical Environmental Area (CEA). The Environmental Assessment conducted by FERC is deficient in its deliberation of Millennium's ability to effectively mediate farmland impacts. The project alternatives were not analyzed thoroughly in the EA specific to farmland impacts. As a result the Preferred Alternative is erroneous.

All jurisdictional agencies must consider impacts in the context of the company's historical performance, in this case historical negligence. NYSDEC and NYSDAM must consider Millennium's historical record before issuing any permits. Millennium's five-year attempt to mitigate these serious adverse impacts to farmland has been a complete failure. Furthermore, there is no evidence that Millennium can effectively mitigate and remediate its pipeline installment practices based on this record. Indeed, NYSDEC and NYSDAM have the right and responsibility to consider these significant adverse impacts and history in their deliberation on the Preferred Alternative.

It is important to note that the proposed project is sited in a designated protected agricultural district 2. This designation is reserved for the most valuable farmland in the state. In fact, a majority of this project covers such protected farmland. 71.3 acres of active farmland would be impacted by construction. Ironically the large amounts of farmland through the Preferred Alternative is the very basis for its justification. However, given the evidence of unmitigated harm to farmland, it is the very reason the Preferred Alternative is environmentally the worst possible alternative.

As demonstrated by the unmitigated and ongoing adverse impact in the Black Dirt Region where farmland is inextricably linked to extensive wetlands- it is clear that Millennium's pipeline installments negatively impact and irreparably harm both farmland and the wetlands to which they are connected. As such, NYSDEC has every right and obligation to evaluate farmland impacts of the Preferred Alternative as inseparable from the wetlands to which they are connected. Both our analysis as well as the monitoring reports raise two disconcerting questions: to what extent the harm effected is a result of negligence or the inability of the company to manage complex soils such as organic mucky soils as is found in the Black Dirt and wetlands; and to what extent some of these problems may be intrinsic to the presence of a natural gas pipeline in sensitive environments. Both of these critical questions must be resolved prior to any final permitting by the NYSDEC.

The public will not accept any risk to both highly valued farmland as well as critical wetlands both of which we are greatly dependent on for sustenance.

Thank you for your attention to this important matter.

Pramilla Malick  
Chair, Protect Orange County

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