

August 13, 2014

Ms. Amy Gitchell, Chief
United States Army Corps of Engineers, CENAN-OP-RU
New York District
Upstate Regulatory Field Office
1 Buffington Street, Bldg 10, 3rd Floor
Watervliet, New York 12189

**Subject: NYSDEC and USACE Joint Application – Supplemental Information #2
Constitution Pipeline Company, LLC
Constitution Pipeline
Broome, Chenango, Delaware, Otsego, and Schoharie Counties, New York**

Dear Chief Gitchell:

On behalf of Constitution Pipeline Company, LLC (Constitution), supplemental information is being submitted in support of its Joint Application/verification which was initially submitted in August 2013, with a supplemental information filing (#1) submitted in November 2013. Applications were submitted to the U.S. Army Corps of Engineers (USACE) for authorization under Section 404 of the Clean Water Act (CWA; Application ID: NAN-2012-00449-UBR) and with the New York State Department of Environmental Conservation (NYSDEC) to satisfy the requirements for obtaining a Section 401 Water Quality Certification (Application ID: 0-9999-00181/00001) for the proposed Constitution Pipeline (Project). Constitution is also submitting this supplemental information in support of its Joint Application/verification for purposes of review and coordination with the NYSDEC under the Protection of Waters Permit and a Freshwater Wetlands Permit programs (Application ID: 0-9999-00181/00002, 0-9999-00181/00003, and 0-9999-00181/00004).

This supplement provides updated information for components of the Project that have been modified or provides new information that has been obtained since the initial Joint Application submission in August 2013 and supplemental information filing #1 in November 2013. Specifically, this submission includes new information resulting from minor deviations to the pipeline proposed route alignment (primarily due to landowner requests, agency consultations, or engineering concerns), impacts associated with temporary and permanent access roads, contractor yards and updated wetland and waterbody survey data collected in the field from September 6, 2013 through June 3, 2014. The following revisions and additional data are being provided in support of these adjustments:

1. Project Narrative (Revised – updated with new or changed information)

- a. Revisions to the Joint Application narrative are limited to the replacement of specific impact tables that contain new or modified information that has been obtained since the November 2013 supplemental filing. In addition to this, Section 3.2.3.3 of the narrative has been expanded to include specific language relative to the crossing of locations within the watersheds associated with three reservoir systems that serve the Village of Cobleskill, Village of Schoharie, and serve as a backup source for the Village of Sidney. The supplemental text that has been added to the narrative is identified in blue print, and a note has been included at base of each table to indicate whether a complete replacement has occurred or if changes were limited to specific components of the table.

2. Attachment A – Forms (Revised – updated with new or changed information)

- a. This attachment to the Joint Application contains minimal revisions consisting of the following:
 - i. Modification of the Item 8 Form – added town of Milford, Otsego County to list of towns affected by Project due to addition of Contractor Yard 4A;
 - ii. Revisions to the Structural Archaeological Assessment Form (SAAF) ;
 - iii. No modifications to the Environmental Questionnaire have been made, therefore it is not included.

- 3. Attachment B – Figures (Revised – updated with new or changed information)**
 - a. Previously submitted Project figures have been updated to reflect the current Project alignment.

- 4. Attachment C – FERC Alignment Sheets (Revised – updated with new or changed information)**
 - a. Revised alignment sheets depicting the modified Project route, access roads, the Westfall Meter Station, and Contractor Yards proposed for the Project are provided in this attachment. Additional changes to the Project alignment sheets include the incorporation of the best management practices (BMPs) to be implemented at specific resource areas in the Environmental Site Specific E&S band of the alignment sheets. The BMPs identified on the alignment sheets are identified by their typical detail drawing number as included in the Environmental Construction Plan (Attachment D).

- 5. Attachment D – Environmental Construction Plan (Revised – updated with new or changed information)**
 - a. Supplemental material includes the following:
 - i. A Free-span Temporary Equipment Bridge typical detail drawing; and
 - ii. A modified New York Invasive Species Management Plan and associated mapping, outlining proposed locations for equipment cleaning stations and procedures for working within locations containing invasive species.

- 6. Attachment E – Wetland and Waterbody Site-Specific Drawings (Revised – updated with new or changed information)**
 - a. Revised site-specific drawings are included in this attachment for all wetlands and waterbodies crossed by the Project in New York, depicting updated Project impacts related to the modified route and new wetlands and/or waterbodies field delineated from September 6, 2013 through June 3, 2014.

- 7. Attachment F – Agency Correspondence (Revised – updated with new information)**
 - a. This attachment to the Joint Permit has been revised to include all correspondence that has occurred since submission of the November 2013 supplemental filing.

- 8. Attachment G – Hydraulic and Hydrologic Analysis Calculations (Revised – updated with new information)**
 - a. This attachment includes two analysis reports detailing hydrologic and hydraulic calculations for waterbodies crossed by the Project, as well as silt fence design criteria and methodology performed as part of a comprehensive erosion and sedimentation design for the Project.

- 9. Attachment H – Wetland Delineation Report (Revised – updated with new information)**
 - a. Material within the Wetland Delineation Report is limited to new wetland and waterbody features that have been field delineated from September 6, 2013 through June 3, 2014, and thus were not included in the November 2013 supplemental information filing (#1). Wetland and Waterbody data sheets included within this document are organized first by the feature type (wetland vs. waterbody), then by county of occurrence, then by team number, and lastly by feature number. Additionally, to simplify review and searching for specific features contained within both the digital and hardcopy of the delineation report, Constitution has digitally bookmarked each of the feature datasheets within the electronic copy and provided tabs identifying each county and team number within the hardcopy document.

- 10. Attachment I – Landowner Line List (Revised – updated with new or changed information)**
 - a. Information on parcels crossed by the Project and landowners of record within Attachment I has been updated to include a summary table of the total parcel number, total parcel distance, and overall percent complete for wetland and waterbody surveys. Additionally, the table of parcels and landowners crossed has been updated to include the mile posts along the pipeline for each parcel crossed by the Project, the wetland and waterbody survey completion status of

the parcel, and mapping of the Project that identifies parcels where survey has and has not been completed.

11. Attachment J – Waterbody and Wetland Impact Master Table (Revised – updated with new or changed information)

- a. Details within the master table have been expanded to include a portion of the specific items recommended in the July 3, 2014 memorandum received from the NYSDEC.

12. Attachment K – Wetland Mitigation Plan (Revised – updated with new or changed information)

- a. The Project mitigation plans have been modified to incorporate impact totals relative to wetlands delineated from September 6, 2013 through June 3, 2014, and the subsequent reduction in impacts to remote-sensed wetlands previously detailed within the mitigation plan submitted in November 2013, NYSDEC wetlands associated with the Project delineated between the dates referenced above, a breakdown of mitigation type based on criteria identified by the NYSDEC, site plans of proposed mitigation locations, and a schedule for post-construction monitoring.

13. Attachment Q – Trout Stream Restoration Report (New information)

- a. Constitution has developed site-specific restoration procedures to address concerns relative to the restoration of streambeds and banks following installation of the pipeline facilities. These procedures have been designed to minimize issues at specific sensitive waterbody locations and were developed following the stream visits with the NYSDEC and USACE conducted in July and August 2013, and April 2014.

14. Attachment R – Wetlands and Waterbodies with a Crossing Method Change Since November 2013 Application Filing (New information)

- a. This attachment contains a table of wetland and waterbodies where the proposed crossing method has changed since the November 2013 submittal. Justification for each crossing method has also been provided within the table.

15. Attachment S – Agency Requested Route Modifications and Status for the Constitution Pipeline in New York (New information)

- a. This attachment includes a table that details all the NYSDEC/USACE requested re-routes and applicant proposed re-routes associated with the Project reviewed since August 2013. The table details whether or not a proposed re-route was incorporated into the Project route alignment or provides the justification if a proposed re-route was not incorporated.

Constitution received a Notice of Incomplete Application from the NYSDEC, dated September 12, 2013 identifying additional steps and information required so that the application could be deemed complete for purposes of public review and comment under the New York State Uniform Procedures Act (UPA). Constitution addressed these items in the NYSDEC Notice of Incomplete Application Response Tracking Table attached to their cover letter dated November 27, 2013 submitted with the supplemental information filing #1. That tracking table includes information on the location of NYSDEC-identified incomplete items in the Joint Application Project narrative and supporting documentation. Additionally, Constitution received a memorandum from the NYSDEC, dated July 3, 2014, identifying recommendations to Constitution for preparation of revised materials to support their Joint Application for Permit, and conducted a subsequent meeting with the NYSDEC and USACE staff on July 9, 2014, to discuss the recommendations. Below is a brief response to the July 3, 2014 memorandum from the NYSDEC indicating where the requested or recommended information is contained within the current and/or previously submitted application. For ease of review, the recommendations by the NYSDEC are detailed in italicized font, followed by Constitution's response as to location within the support documentation submitted to date where the requested information can be found. The responses are consistent with the discussions that took place between the NYSDEC, USACE, AECOM, and Constitution on July 9, 2014.

Response to the July 3, 2014 NYSDEC Recommendations Memorandum

1.0 Organization

Provide a master table (e.g., Appendix J) as a key to reference all documents related to each specific crossing.

1.1 Identify each crossing shown on the master table with a specific code (milepost number to .01 is recommended). Label all documents in the application related to each specific crossing with the same code.

Attachment J (Waterbody and Wetland Impacts Master Table) of the current supplemental filing includes a revised master table addressing the requested items detailed above. Each resource area crossed by the Project is included in this document with revised milepost locations.

1.2 Identify parcels where survey access has not been granted by the landowner, preferably in a specific color or shading. For these parcels, describe the opportunities and limitations available to do minor re-routing after field surveys are conducted.

Attachment I (Land Owner Line List) of the current supplemental filing includes color-coded mapping depicting the status of survey access permission for the Project and a corresponding table, organized by land tract which provides additional details pertaining to each individual land parcel crossed by the Project as depicted on the Project alignment sheets (Attachment C). Minor re-routing of the pipeline after field surveys are conducted will be dependent upon surrounding environmental and/or cultural features, constructability, approval from federal agencies, landowner agreement, and approval of a variance request from the Federal Energy Regulatory Commission (FERC). These requirements are outlined in FERC's variance procedures.

1.3 At the end of the master table, provide totals for all of the following:

- a. Temporary impacts to DEC streams.**
- b. Permanent impacts to DEC streams.**
- c. Temporary impacts to DEC wetlands.**
- d. Permanent impacts to DEC wetlands (including all conversion of forested wetland to non-forested wetland).**
- e. Temporary impacts to DEC wetland adjacent areas.**
- f. Permanent impacts to DEC wetland adjacent areas.**
- g. Temporary impacts to exclusively USACE-jurisdictional streams.**
- h. Permanent impacts to exclusively USACE-jurisdictional streams.**
- i. Temporary impacts to exclusively USACE-jurisdictional wetlands.**
- j. Permanent impacts to exclusively USACE-jurisdictional wetlands.**
- k. Combined DEC-USACE totals for all categories above.**
- l. Combined totals for parcels where survey access has been granted.**
- m. Combined totals for parcels where survey access has not been granted.**

New table 3.3-6c included in the Project narrative details information requested in items 1.3a through 1.3l above. Revised and new tables 3.3-6 and 3.3-6b, respectively, include information requested in items 1.3l and 1.3m above.

2.0 Content

2.1 Provide GIS shape files for the route and all temporary and permanent ancillary facilities.

A digital copy of the shape files associated with the current Project route and ancillary facilities have been included with this supplemental application.

2.2 For each property where a regulated activity is proposed, provide the tax map number and the name of the property owner. This includes properties proposed to be crossed by the pipeline or proposed to be used by Constitution for any temporary or permanent ancillary facility.

Attachment I (Land Owner Line List) of the current supplemental filing includes the parcel tax map number and the name of the property owner for all properties crossed by the Project.

2.3 Provide a construction environmental monitoring plan that allows for an independent third-party monitor.

Constitution is currently developing a third party monitoring plan which will be submitted to FERC during the implementation plan phase of the Certificate process. Constitution is and will continue to coordinate with the NYSDEC and the USACE for development of a monitoring plan.

2.4 Provide, at a minimum, the following details for each crossing:

2.4.1 Map panel at a scale sufficient to assess project impacts and proposed control measures. Each map panel should include:

- a. Crossing code (milepost number).**
- b. Property boundary.**
- c. Property owner name and tax map number.**
- d. Right-of-Way (ROW) boundary.**
- e. Project limits of disturbance.**
- f. Contours (10 feet or less).**
- g. Regulated resource boundary (delineated wetland, DEC adjacent area, stream, 50-foot bank or other high-water limit) with the area of proposed disturbance shown.**
- h. For all DEC-jurisdictional resources, label showing DEC ID (DEC wetland number, Fisheries Index Number [FIN]).**
- i. Text box for each area of regulated disturbance to show DEC ID, area and/or length of temporary and permanent disturbance, area of temporary and permanent forest conversion.**
- j. Location and type of pipeline crossing method.**
- k. Location of temporary equipment crossings.**
- l. Location of proposed temporary stream structures (dam & pump, etc.).**
- m. Location of permanent stream control measures.**

Attachment E (Wetland and Waterbody Site-Specific Drawings) of the current supplemental information filing depicts information requested in items 2.4.1a-b, d-g, i-m above. Attachment I (Land Owner Line List) of the current supplemental information filing includes information requested in item 2.4.1c above. Attachment J (Waterbody and Wetland Impact Master Table) of the current supplemental information filing includes information requested in item 2.4.1h above.

2.4.2 Color photos of each proposed regulated area.

2.4.3 Documentation of existing wetland vegetation.

Attachment H (Wetland Delineation Report) and Attachment K (Wetland Mitigation Plan) provide extensive descriptions on the existing wetland vegetation and included site photographs of each resource area.

2.4.4 Temporary equipment bridge details.

2.4.5 Pipeline installation crossing method and details, including:

- a. Temporary stream water management (dam & pump, etc.).**
- b. Wetland topsoil segregation.**
- c. Blasting plan (if required).**

2.5 Access road culvert details (conforming to DEC stream crossing guidance).

Attachment D (Environmental Construction Plan) of supplemental information filing #1 submitted in November 2013 includes information requested in items 2.4.4 and 2.4.5 above. New information included in the Attachment D of the current supplemental filing includes a new construction detail (FIGURE NO. 2A) depicting a free span temporary equipment bridge crossing detail. Information requested in item 2.5 above pertaining to culverts proposed at specific locations along access roads can be found on the full-size site plan

drawings for access roads included in Attachment C (FERC Alignment Sheets) as well as the access road waterbody and wetland site-specific drawings included in Attachment E of the current supplemental information filing.

2.6 Ancillary project facilities (pipe yards, meter stations, cell towers, water withdrawal staging areas, etc.) site plans (where regulated resources are impacted).

Attachment B (Figures), Attachment D (FERC Alignment Sheets) and Attachment E (Waterbody and Wetland Site-Specific Drawings) of the current supplemental information filing depict Project facilities as well as the delineated boundaries of all regulated resource areas within the survey corridor associated with the Project.

2.7 Avoidance and minimization narrative for proposed regulated disturbances and all temporary and permanent facilities.

Section 3.3.9 (Avoidance, Minimization and Mitigation) of the November 2013 supplement filing provides a summary of the proposed avoidance and minimization measures to be implemented by Constitution during construction of the Project.

3.0 Site restoration and maintenance

3.1 Provide a list of planting mixes for upland and wetland disturbances (both temporary and permanent), and a proposed restoration planting plan for each crossing location.

Attachment D (Environmental Construction Plan) of the November 2013 supplemental filing and Attachment K (Wetland Mitigation Plan) of the current submission provides a list of planting mixes for both temporary and permanent site stabilization in uplands and wetlands. Section 6.1 of the current Wetland Mitigation Plan provides details on the species selected for restoration of wetland locations outside the operational ROW.

3.2 Provide an invasive species management plan with a goal of 0% net areal increase in invasive species.

3.3 Provide proposed methods to control invasive species (hand clearing, herbicides, etc.).

3.4 Provide a monitoring schedule to include a regular schedule for site inspection and reporting to the regulatory agencies.

Attachment D (Environmental Construction Plan) of the current supplemental filing contains a modified New York Invasive Species Management Plan and associated Project mapping, outlining proposed locations for equipment cleaning stations, procedures for working within locations containing invasive species and the methodology Constitution utilized to determine the appropriate locations for the proposed cleaning stations. The construction, restoration and monitoring procedures detailed in Section 3.0 of the New York Invasive Species Management Plan are anticipated to minimize the transport of invasive species during all phases of the Project.

4.0 Conceptual mitigation plans

4.1 Provide total wetland and wetland adjacent area impacts (see notes on "master table," above) to include all wetland impacts, all NYS DEC wetland impacts, and all NYS DEC wetland adjacent area impacts.

Attachment K (Wetland Mitigation Plan) of the current supplemental filing contains a revised NYSDEC Wetland Mitigation plan. Section 3.0 of the Wetland Mitigation Plan document provides a summary of the total wetland and wetland adjacent area impacts associated with the Project. Additionally, new table 3.3-6c included in the Project narrative details information requested in item 4.1 above on all wetland impacts, all NYSDEC-regulated (Article 24) wetland impacts, and all NYSDEC-regulated wetland adjacent area impacts.

4.2 Provide a calculation of proposed area for mitigation, and the type of mitigation proposed, based on wetland class, cover type, functions and values, at a ratio sufficient to account for the risk of a percentage of mitigation project failure, for both wetland and adjacent area impacts. Include proposed mitigation for both temporary and permanent impacts.

4.3 Provide potential locations for wetland mitigation sites.

Attachment K (Wetland Mitigation Plan) of the current supplemental filing contains a series of conceptual mitigation plan sites. Impact calculations are found in Section 3.0 of the NYSDEC Wetland Mitigation Plan and wetland descriptions are found in sections 3.1 through 3.22. Mitigation site proposal is found in section 4.0. Impacts on wetland functions and services by watershed systems for the Project are provided in Section 4.2 of the Wetland Mitigation Plan. Each plan provides a narrative detailing the type of mitigation proposed, available acreage, the associated wetland cover types present and the potential functions and services each location provides. Ratios are included in a memo in Attachment K.

4.4 Provide a mitigation plan for permanent impacts to streams.

Attachment Q (Trout Stream Restoration Report) of the current supplemental filing provides site-specific restoration procedures to address concerns relative to the restoration of streambeds and banks following installation of the pipeline facilities. These procedures have been designed to minimize issues at specific sensitive waterbody locations and were developed in consultation with the NYSDEC following the stream visits which were conducted in July and August 2013, and April 2014.

4.5 Provide a post-construction monitoring and reporting plan for wetland and stream mitigation sites. A minimum of 5 years post-construction monitoring needs to be included.

Attachment K (Wetland Mitigation Plan) of the current supplemental filing identifies in Section 7.0 (Monitoring) that Constitution will monitor and maintain permittee-responsible mitigation sites for a minimum of 5 years to ensure that USACE performance standards are met.

Thank you in advance for your timely review of this supplemental information pertaining to Constitution current application under review by the NYSDEC. If you have any questions, please do not hesitate to contact Chris Newhall at (508) 833-6952 or christopher.newhall@aecom.com.

Yours sincerely,



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cc: Mr. Peter Innes, NYSDEC Region 4 Manager
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