

Stephen M. Tomasik  
DEC - Division of Environmental Permits  
625 Broadway, 4th Floor  
Albany, NY 12233-1750

January \_\_\_\_, 2015

Application ID: 0-9999-00181/00009 - Water Quality Certification  
Application ID: 0-9999-00181/00010 - Freshwater Wetlands  
Application ID: 0-9999-00181/00011 - Water Withdrawal  
Application ID: 0-9999-00181/00012 - Excavation and Fill in Navigable Waters  
Application ID: 0-9999-00181/00013 - Stream Disturbance

Dear Mr. Tomasik:

DEC is required to do a public interest analysis before issuing a 401 water quality certificate.<sup>1</sup> This includes an assessment of the need for the project, which was not done by FERC. The Constitution pipeline would interconnect with the Iroquois and Tennessee Gas Pipelines in Wright, NY. While the company states the market for the gas is in NYC and New England, there is no way to transport it to either location as the Iroquois and Tennessee pipelines are congested.<sup>2</sup> In addition, this gas would not be used in New York State, and benefits outside of the state cannot be used to counter the economic and environmental damages that would occur here. While Leatherstocking has signed some nonbinding franchises with towns along the route, they have admitted they would only be able to use 0.6% of the total volume of gas being transported, and that's assuming it is economical to lay pipelines for local delivery, which is questionable.<sup>3</sup> Such a tiny amount of speculative use does not indicate a need for the project. Therefore you must conclude that this proposed pipeline is not in the public interest as it is not reasonable to destroy over 1800 acres of land so some companies' stock prices can rise. Protect New York State water quality by denying the 401 water quality certificate or hold Adjudicatory Hearings for this project.

Sincerely,

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Signature

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Name

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Address

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<sup>1</sup> 6 N.Y. COMP. CODES R. & REGS. § 608.8.

<sup>2</sup> Levitan and Associates, Inc., *NYCA Pipeline Congestion and Infrastructure Adequacy Assessment*, New York Independent System Operator, 60, 62, 66, 77 (Sept. 2013).

<sup>3</sup> Nixon Peabody LLP on behalf of Leatherstocking Gas Company LLC, *Answer in Opposition to the Motion for Extension of Time*, 5, Fn 8 (March 31, 2014), available at [http://elibrary.FERC.gov/idmws/file\\_list.asp?accession\\_num=20140331-5183](http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20140331-5183).

