All written comments must be postmarked or submitted electronically by fax or email no later than Friday, February 27, 2015.

You can write as many comments as you would like.

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

_____ , 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:

COMMENT TEXT

Sincerely,

_____
Signature & Printed Name

_____
Address

100-Year Floods

- Central NY experienced four 100-year floods within ten years
- No way to protect NYS water quality through best management practices if there were a 50-, 100-, or 500-year storm event
- Silt fences and properly sized pipes would be cast aside like paper in such torrents.
- No discussion of the impact of climate change on this project
- 100- to 125-foot cut swaths on steep slopes will cause even more damage than has already been experienced in this area due to heavy storms.
- Collocating an additional pipeline such as the TGP NED Pipeline will double flooding impacts and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

In the joint application, the best management practices (BMPs), size of pipe flumes for stream crossings, and design of the required silt fences are based on engineering calculations of a 5-year storm event. CP considered 2-year, 5-year, and 10-year storm events, but is assuming a 5-year storm event as the basis for their 401 water quality certificate, and 4 related permits. There is no rational basis for this assumption.

Climate change affects weather patterns. While some areas of the nation have too little water, Central NY experienced four 100-year floods within ten years. There is no discussion of the impact of climate change on this project, and there is no way to protect NYS water quality through best management practices if there were a 50, 100, or 500 year storm event. Silt fences and properly sized pipes would be cast aside like a joke in such torrents. The fact that DEC had allowed 100-125' swaths of trees to be cut, and deep trenches cut through clay and rock on steep slopes would cause even more damage than the area already experienced.

Do your job. Protect New York State water quality by denying the 401 water quality certificate or hold Adjudicatory Hearings for this project.

Construction of CP Will Exacerbate Flooding

- Southern Tier and Catskills have experienced three 100-year floods and many other extreme rainfall events in the past eight years
- DEC, NYSERDA and Governor Cuomo have all acknowledged that extreme rainfall events are expected to increase in frequency and severity
- The number of 100-year storm and flood events in New York is projected to increase
- Even the most conscientious "best management practices" in place for a 5-year storm event would be completely inadequate in a 10-, 50-, 100- or 500-year flood, which will happen again
- CP will harm and degrade NY's water quality by upsetting massive amounts of soil and vegetation in 277 waterbodies which could cause catastrophic flooding
- Flooding contaminates water
- Collocating an additional pipeline such as the TGP NED Pipeline will double flooding impacts and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER 1

The majority of the path of the proposed Constitution Pipeline (CP)—124 miles long and 100 feet wide or more—would tear through regions of New York that have experienced several 100-year floods in the past decade. DEC, NYSERDA and Governor Cuomo have all acknowledged that extreme rainfall events are expected to continue in the area with increasing frequency. Construction of CP would initially harm and degrade New York State's water quality by upsetting massive amounts of soil and vegetation in and around each of the 277 waterbodies the pipeline would cross. That degradation would increase exponentially with rain, inevitable during CP's 9- to 12-month-long waterbody disruption process. Prolonged and/or heavy rain during this time would also be likely, and could cause catastrophic flooding. Flooding contaminates water.

It is the DEC's mandate to halt "alterations that will impair waters for their best usage." CP's alteration of New York's waterways and surrounding trees and vegetation would encourage and exacerbate flooding, putting at risk the lives of everyone along the pipeline route and downstream. As such, I ask the DEC to deny the 401 Water Quality certificate, or to hold adjudicatory hearings.

SAMPLE LETTER 2

Constitution Pipeline (CP) has chosen a dangerous, hilly, flood-prone path for its proposed 30-inch high-pressure gas pipeline. The Southern Tier and Catskills have experienced three 100-year floods and many other extreme rainfall events in the past eight years. According to a 2011 report from NYSERDA, the number of 100-year storm and flood events in New York is projected to increase, while the number of years between such storms is projected to decrease—meaning rainstorms will become more severe and more frequent.

Despite these facts, CP is using a 5-year storm event as the basis for its 401 Water Quality certificate and four related permits. This is unacceptable. Even the most conscientious "best management practices" in place for a 5-year storm event would be completely inadequate in a 10-, 50-, 100- or 500-year flood, which will happen again, either during or after CP's planned construction (or both). As proposed, CP would put at risk our water quality and the lives of all fish, wildlife and people along the pipeline's path. I urge you to deny CP a 401 water quality certificate, or hold adjudicatory hearings.

Cumulative Impacts from CP & TGP NED

- Cumulative impact of two pipelines within 100 feet of each other
- Clear-cutting twice as many trees
- Twice the impact to steep hillsides
- Twice the impact to streams and wetlands
- Exponential property value losses
- Fines after the fact will not mitigate a destroyed habitat, wetland or trout stream
- Construction of the CP will enable subsequent approval of the TGP NED Pipeline – impact of both projects must be considered cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

The Constitution Pipeline and Kinder Morgan's Tennessee Gas Pipeline are proposed to be within 100 feet of each other in some places. The cumulative effects of having two pipelines in such close proximity must be considered in your decision to grant a 401 permit. Because the pipelines are running parallel to each other, it will mean clear-cutting almost twice the 100 foot right-of-way Constitution intends to make, on the same steep slopes. The DEIS documents that the right-of-way will fragment 36 miles of interior forest! We are all very aware of what happened when Irene and Lee stormed through the area a few years ago. Tiny seasonal streams became roaring rivers, flooding low lying areas with mud and debris. With so much clear-cutting occurring in formerly un-fragmented forests, a heavy rain storm could easily turn into a disaster, permanently destroying existing wetlands and stream beds with sediment.

Small streams and wetlands offer an enormous array of habitats for plant, animal, and microbial life. In New York, the Hellbender Salamander is found solely in the Susquehanna and Allegheny River drainages, including their associated tributaries. It is the largest aquatic salamander in the United States, growing up to two feet long. This giant salamander drowns when sedimentation clogs up its gills. Hellbenders prefer swift-running, well-oxygenated, unpolluted streams and rivers. It will be put at risk if this project goes through. Fines, after the fact, will not alter the damage to this creature's habitat. This is not something that can be mitigated by creating a wetland location somewhere else. This must be prevented from happening in the first place.

The Constitution pipeline will open the door to TGP, and together they will do unmitigated damage to New York State's clear waterways. The environmental costs of these pipelines far outweigh any need or benefit from either of them. Do not grant Constitution a 401 permit, or hold Adjudicatory Hearings on this project.

DEC Protect the Public Water Supplies

- NYS part of the Chesapeake Bay Watershed Program along the Susquehanna River, created in order to restore Chesapeake Bay's "dead zones" cause by excessive nutrients and sediment
- The Total Maximum Daily Loads (TMDL) in the Clean Water Act limits the amounts of pollutants and sediment a water body can receive
- Clearcutting acres of forest on steep slopes will create unprecedented erosion and sediment washout into streams and tributaries that feed into the Susquehanna River Basin
- DEC must protect the public water supplies
- DEC must protect the wildlife habitats
- DEC must protect flooding susceptibility along the entire length of the pipeline as it travels through the Chesapeake Bay watershed
- Collocating an additional pipeline such as the TGP NED Pipeline will double the harm to public water supplies and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

New York State is part of the Chesapeake Bay Watershed Program. The Chesapeake Bay Watershed Program tracks the Susquehanna River from its origin in Lake Otsego, as it travels 300 miles through New York State, and continues to follow its tributaries through PA, MD, VA, WV, DE and Washington DC, all the way to the Chesapeake Bay. The Multi-state program started in 1983, in an effort to restore Chesapeake Bay's 'dead zones'. These "dead zones" are caused by excessive nutrients and sediment entering the relatively shallow estuary, causing algae to grow, crowding out native grasses, creating oxygen-starved 'dead zones' where fish, crabs and shellfish struggle to breathe. In order to control this problem, the EPA, through the Federal Clean Water Act, created a legal mechanism to require states to address the severely impaired waters. The Total Maximum Daily Loads Federal Clean Water Act (TMDL) limits the amount of pollutants and sediment the water body can receive and still meet State Water Quality Standards. Construction site storm water management and erosion control is a very real concern. The FEIS does not take into account 100 year floods, which we have had several of in the past few years.

The EPA has a very strict Waste Load Allocation for significant dischargers. According to the DEC, the total land cover in NY making up the Chesapeake Bay watershed area is 76% forested, 21% agricultural and only 3% developed. In a project the size of the Constitution Pipeline, where the primary land use impacted during construction would be forested woodland (55.0 percent, as stated in the executive summary section on Vegetation, Wildlife, Fisheries, and Federally Listed and State-Sensitive Species) much of it situated on steep slopes, there will be large amounts of sediment washed away during heavy rain storms. Constitution states it would reduce the proposed construction right-of-way from 110-feet-wide to 100-feet-wide feet, where feasible. However, clear-cutting hundreds of acres of forest for a permanent easement, much of it across streams and tributaries that feed into the Susquehanna River basin will create unprecedented erosion. These new, foreseeable discharges must be offset. At present there is no provision for this in the TMDL. We request an Adjudicatory Hearing on the basis of this problem.

The DEC must protect the public water supplies, wild life habitats and flooding susceptibility along the entire length of the pipeline as it travels through the Chesapeake Bay watershed. Since there is no way this can possibly be done, Do Not Grant Constitution a 401 permit. That is what NYS water quality laws demand.

DEC Understaffed and Underfunded but Has Tremendous Responsibility

- DEC is NOT in the business of providing economic opportunities at the expense of our environment
- DEC do not have enough staff to enforce regulations
- Funding has been reduced over the past decade and are projected to continue getting cut for the next three years
- Full-time staff reduced by 16.8%
- DEC has limited resources to monitor the CP project
- DEC's responsibility is to protect our water
- DEC's responsibility is to protect our health and safety
- DEC's responsibility is to protect our citizens
- DEC's responsibility is to protect our wildlife
- DEC's responsibility is to protect our birds
- DEC's responsibility is to protect our fish
- DEC's responsibility is to protect our woods
- DEC's responsibility is to protect hills
- DEC's responsibility is to protect streams
- DEC's responsibility is to protect lakes
- DEC's responsibility is to protect rivers
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

Consider the fact that the Constitution Pipeline's request for approval of a 401 Water Quality certificate under the Clean Water Act will hand over to the gas industry, whose only mission is economic profit, the DEC's responsibility to protect our water, and will dismiss the DEC's mission of ensuring the health and safety of the people of Region 4. The DEC is not in the business of providing economic opportunities at the expense of our environment; therefore, our citizens, our wildlife, our birds, our fish, our woods, hills, streams, lakes, etc. will be greatly threatened should you choose to issue this 401 permit to Constitution Pipeline.

Former DEC commissioners have stated that the current staffing and funding patterns of the Agency do not ensure enough resources to enforce the present regulations. In a report, prepared by the Office of Budget and Policy Analysis, December 2014, issues are raised concerning the reduction in funding over the past decade and projections of budget reductions to continue for the next three years. Full time staff losses in the Air and Water Quality Management area have amounted to a reduction of 16.8%. These reductions have not been accompanied by the hiring of additional staff or additional funding.

The impact of these limited resources will translate into a lack of monitoring and implementing of the current and new regulations, enforcement, and compliance. Failure to implement permit conditions will be a result. The raiding of the two major funds dedicated to the environment in excess of half a billion dollars to pay for other state budget deficits has left the DEC with little resources to actively implement the Clean Air and Water Acts.

As a concerned landowner, taxpayer, and voter, I am committed to the value of government in the role of providing the right of citizens to clean air and water and expect no less than the fulfillment of that role by the DEC. Therefore, you must deny the 401 water quality certificate or hold Adjudicatory Hearings for this project.

Ecosystem Impacts in your Town

- Construction will cause unreasonable, uncontrolled and unnecessary damage to the natural resources within the town of _____
- Collocating an additional pipeline such as the TGP NED Pipeline will double ecosystem impacts and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

Regarding 6NYCRR 608.8, public interest review, 401 Water Quality certificate under The Clean Water Act requested by The Constitution Pipeline, if granted this proposal will cause unreasonable, uncontrolled and unnecessary damage to the natural resources within the town of Davenport.

The proposed pipeline construction on the Charlotte Creek area, will create large disturbances along the banks and beds of this stream. In the proposed area of Davenport there are numerous small tributaries and small ponds that offer nesting, feeding, and habitat for birds, fish, amphibians, and wildlife. Species such as Bald Eagle, Blue and Green Herons, Hooded Mergansers, Blue-winged Warblers, Spotted Sandpipers, and Osprey are on the annual spring bird count from this area. Homeowners are numerous on Charlotte Creek and the possibility is high that wells will be impacted by the construction activities of this pipeline such as blasting, tree and bush removals, and use of heavy equipment creating runoff and silt which will affect water quality.

Every spring flooding occurs on this creek, and the ability to predict the frequency and the severity of the floods is impossible. The proposed plan is to construct during time periods that will have the least impact on the environment, including migratory and resident bird populations. However, climate change has shifted our weather patterns often to widely varying temperatures that alternate between severe cold with heavy snows followed by rapidly rising temperatures. These conditions create quick melting, which would delay construction significantly due to ground and stream conditions, thereby putting construction into the time period of having the highest impact to the environment.

The proposed mitigation plan is to put into place “best practices” by a Constitution Pipeline employee or consultant who would oversee the construction in an effort to contain the runoff and silt from the disturbances on the banks and riverbeds. This person would further be checking on the work after any flooding has taken place. Given the above-mentioned unpredictability of the flooding, this would require a full-time employee for the spring months.

Who will be responsible to see that the “best practices” are enforced? Since 2012, 20% of DEC staff has been lost to budget cuts and retirement, and no plans are in place for replacements. These cuts have included 800 agency engineers and enforcement officers in less than four years. Previous DEC commissioners have expressed concern that there is not enough qualified staff to carry out compliances and enforcement responsibilities which will be needed if permits are approved. Constitution Pipeline employees or consultants will not be held to the same ethics requirements as a DEC employee.

Commissioner Martens has stated that Governor Como has “taken a lot of interest and focus on outdoor recreation, fishing and hunting in particular”. Pipelines in the banks of streams, throughout wetlands, and in the bedrock of our ponds and lakes do not make for a healthy, sustainable environment for outdoor recreation.

This project will negatively impact our local ecosystems. In light of the damages I have enumerated, I ask that you not grant Constitution a 401 permit or convene Adjudicatory Hearings for this project.

Extreme Human Activity Upsets Stream Equilibrium

- Stream equilibrium, a stream's ability to "pass water and sediment during small and large flood events," will be disrupted in 277 stream, wetland or other waterbody crossings
- Stream sections can become unstable when human activity upsets the equilibrium
- Streams can become a source of flooding for communities located along its banks
- Every single waterbody the pipeline crosses would be degraded
- Collocating an additional pipeline such as the TGP NED Pipeline will double stream equilibrium disruption and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

An article in the December 2014 issue of the DEC's own magazine, Conservationist, discusses the importance of stream equilibrium, or a stream's ability to "pass water and sediment during small and large flood events, and then regain its natural shape." The article, which addresses learning from past floods in New York how to better handle future ones, states: **"stream sections can become unstable when human activity upsets that equilibrium and alters the stream's ability to move its water and sediment effectively. When this happens, the stream can become a source of flooding for communities located along its banks."**

The people who live along and downstream from the proposed path of the Constitution Pipeline (CP) hope the DEC will uphold its reason for being by protecting New York's water quality and safeguarding our streams and rivers from flooding. CP's plan to cross 277 creeks, streams, rivers and other waterbodies—scores of which are DEC classified as protected trout streams—constitutes 277 extreme instances of human activity upsetting stream equilibrium. These crossings, many of which would require blasting, would increase both the likelihood and the severity of future flooding. Every single water body the pipeline crosses would be degraded.

Please deny CP a 401 water quality certificate, or hold adjudicatory hearings.

Floods Scour Stream Beds to Expose Pipe

- 277 streams, creeks and other waterbodies in New York will be crossed by pipeline
- Floodwater can scrape or “scour” dozens of feet of soil and gravel off a riverbed
- CP would be buried just 5 feet deep under streams in soil and 2 feet under streams where consolidated rock is present
- Pipeline would be vulnerable to leaking or rupture
- Pipeline damage can cause leakage of methane into waterways
- Collocating an additional pipeline such as the TGP NED Pipeline will double risks of pipeline exposure and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER 1

The Southern Tier and Catskills have experienced several 100-year floods in the past decade. It’s widely acknowledged that extreme rain events are expected to continue in the area with increasing frequency. Future flooding is not a matter of if, but when.

The Constitution Pipeline (CP) is slated to cross 277 streams, creeks, rivers and other waterbodies in New York. During flood events, the greater-than-normal weight and speed of floodwater can scrape or “scour” dozens of feet of soil and gravel off a riverbed or streambed, potentially exposing buried pipelines and leading to their rupture. CP would be buried just 5 feet deep at most stream and river crossings, and only 2 feet deep where there is consolidated rock. Burying a pipeline at such shallow depths would leave it extremely vulnerable to scouring, especially at more flood-prone crossings. Wherever exposed, the pipeline would be vulnerable to leaking or rupture if struck by rocks, trees or other large objects in fast-moving floodwater. Our region has seen floodwater tear entire buildings from their foundations. CP’s proposed methods of construction—designed to withstand only a 5-year flood—fail to protect New York’s waterways from flooding, fail to protect their pipeline from rupture and, therefore, fail to protect New York’s water quality. As such, I ask the DEC to deny the 401 Water Quality certificate, or to hold adjudicatory hearings.

SAMPLE LETTER 2

A federal water study by the U.S. Geological Survey was commissioned by the Cuomo administration in 2011. This report was edited and delayed by state officials before it was published, according to information obtained through a Freedom of Information Act request. In the early study draft, author Paul Heisig noted that gas “drilling, extraction, transport via pipelines, and underground storage” could inadvertently introduce methane into drinking water supplies.

When the Constitution Pipeline dry trenches its way through most of its almost 300 water crossings, it will be introducing the potential for methane to escape. The FEIS, states that the pipes are supposed to have 60" of cover if there's soil, but only 24" if there's shallow bedrock. Because there is a prevalence of shallow bedrock on the steep mountain slopes in this region, the pipe may not be buried deep enough to withstand heavy floods. Because of climate change, New York has had an increased risk of flooding from severe rain storms. Even Governor Cuomo, in his January 2013 State of the State message said, “There is a 100 year flood every 2 years now.” However, the FEIS does not take 100 year floods into account – only 5-20 year floods. In 2013, during a time of extreme flooding, the Iroquois Pipeline that went under Otsquago creek was exposed. When a pipe is exposed, scouring from the water and sand and debris rushing over it can cause damage to it. This could result in methane leakage, not only into the pristine waters of a trout stream, but into our drinking water aquifers, as well.
New York’s water quality laws demand that you deny a 401 water quality certificate to the Constitution Pipeline or hold Adjudicatory Hearings for this project.

Horizontal Directional Drilling

- CP will use dry trench technique for almost all 91 wetland and 277 stream crossings which is the most intrusive method
- DEC commented in 2012 that HDD was preferable stream crossing method
- HDD is also better for littoral zones, wetlands and adjacent uplands
- Pipeline depth is only 24 inches where consolidated rock is present – shallow installation can lead to scouring, exposure and rupture
- CP will contain hazardous chemicals in addition to methane which could threaten water quality and downstream drinking supplies if leaked
- DEC recommendations to extend length of deeper pipeline burial on sides of streams have been ignored by CP
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

I urge DEC to deny the 401 certificates requested by Constitution Pipeline (CP) on the grounds that the applicant has failed to adequately protect the many waters and wetlands that this linear project would traverse. In its November 7, 2012 scoping comments to FERC, DEC wisely called for the use of Horizontal Directional Drilling (HDD) to minimize impacts, stating:

> *For streams and wetlands the preferred method for crossing is Horizontal Directional Drilling (HDD) because it has the advantages of minimizing land disturbance, avoiding the need for dewatering of the stream, leaving the immediate stream bed and banks intact, and reducing erosion, sedimentation and Project-induced watercourse instabilities. (NYSDEC Scoping Comments, Nov 7, 2012.)*

The proper use of HDD not only protects stream, but also littoral zones, wetlands, and adjacent uplands, letting vegetation and habitat remain undisturbed for an extended distance. Furthermore, with HDD pipelines are usually buried deeper beneath the stream bed and for a longer lateral distance, thereby reducing the risk of washout and pipe exposure.

Disturbingly, although the Constitution Pipeline is proposed to cross 91 wetlands and 277 streams, no commitment whatsoever has been made to use HDD in the final EIS for the project. In fact, plans by CP became worse between the draft EIS and final EIS because the few crossings where HDD had been planned have now been changed to Direct Pipe. Direct Pipe is a cheaper, inferior trenchless technique involving shallow burial and more surface disturbance. The consequences of this are dramatic. Comparing Table 2.3.2-1 of the draft and final EIS documents, the proposed trenchless area of wetlands at Bennerville Creek has been reduced from 1600 to 700 feet, the trenchless wetland area at mile 88 has been reduced from almost 3200 to 530 feet, and the trenchless area of a wetland near Middlebrook Creek has been reduced from 2000 to 400 feet. **No additional mitigation appears to have been proposed to compensate for this either.** Furthermore, dry crossing and the open trenching of wetlands is proposed as the "alternative" method if Direct Pipe fails. This means that almost all—if not all—crossings within the entire project will be trench installations—the most intrusive method possible.

It is also unacceptable that CP intends to bury its pipeline only 60 inches below stream beds that are in soil, and a mere 24 inches (2 feet) where consolidated rock is present. (FEIS Table 2.3.1-1) For much of the proposed corridor which is dominated by rocky terrain, this means that pipe would be buried only slightly beneath stream beds, where moving water could readily wash away loose backfill and cause scouring. Shallow installations are highly unlikely to withstand the passage of time, erosion, and

changing weather conditions, resulting in pipe exposure and eventually leakage or rupture. Since natural gas contains not only methane, but also hazardous chemicals like benzene, this could also threaten water quality and downstream drinking water supplies. Likewise, the location of streams can shift over time due to seasonal floods that have become more pronounced in recent years. This can lead to washout around shallow buried pipe landward of the original channel. DEC raised a similar concern in its 2012 scoping comments, stating:

> *NYSDEC has witnessed pipeline installations where pipeline became exposed because stream water flowed behind the installed rip-rap and exposed the shallow section of pipe adjacent to stream. Extending the setback of the deep bury would provide a significant buffer against this scenario. (NYSDEC Scoping Comments, Nov 7, 2012; footnote 3.)*

Although DEC states in its scoping comments that there should be an extended length on each side of stream beds where the pipeline is buried deeper, CP has made no commitment to do this. In addition to physical damage caused by exposure, shallow burial may cause adverse thermal impacts due to pipeline heat, potentially harming trout which require cold water and other species that rely on high levels of dissolved oxygen.

The use of shallow open-trenching for nearly all of the water and wetland crossings of this proposed 124 mile long project, and the very limited use of Direct Pipe, will undoubtedly cause problems in the future. These present unacceptable and unmitigated threats to aquatic and wetland ecosystems, water quality, and downstream water supplies. Furthermore, DEC should recognize that the Tennessee Gas Pipeline Company (TGP) has proposed an additional pipeline project next to the Constitution Pipeline, which would essentially double the number of water and wetland crossings along this corridor. **Construction of the Constitution Pipeline would clearly enable subsequent approval of this TGP pipeline, so the impact of both projects must be considered cumulatively.**

Because CP has failed to address these many concerns, the project is in violation of DEC's high standards for the protection of water resources and the aforementioned 401 certificates must be denied. The difficulty or cost of necessary precautions, including HDD, is no excuse when the waters of New York State are at stake. Ultimately, the fact that Constitution has proposed a "greenfield" project with extensive impacts demonstrates that the proposed corridor is inappropriate.

Thank you for considering these comments. I also specifically request that an adjudicatory hearing be held so that these serious issues can be fully evaluated.

Impact on Birds

- Wetlands are particularly sensitive ecosystems that support a wide variety of bird species
- Bald Eagle, Osprey, Red-shouldered Hawk, American Bittern, Pied-billed Grebe, and Northern Harrier are located along the pipeline route – and all are listed as at-risk species by the NY State Department of Environmental Conservation.
- Primary planned method of water crossing is dry trenching which causes water turbidity, making food foraging more difficult for water birds
- Pipeline activities during breeding season pose a particular threat to birds.
- Direct loss of nests will occur, as well as nest abandonment due to disturbance by noise and activity
- Right-of-ways post-construction will continue to impact birds by providing corridors for predators and nest parasites to access breeding areas.
- Collocating an additional pipeline such as the TGP NED Pipeline will double the impacts on birds and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

The construction and operation of the Constitution Pipeline will pose dangers to many bird species. Careful consideration should be taken before granting a 401 certificate for the project.

Wetlands are particularly sensitive ecosystems and they support a wide variety of bird species. Bald Eagle, Osprey, Red-shouldered Hawk, American Bittern, Pied-billed Grebe, and Northern Harrier are located along the pipeline route – and all are listed as at-risk species by the NY State Department of Environmental Conservation.

The primary planned method of water crossings is dry trenching. This will cause water turbidity, making foraging for food more difficult for wading birds such as Great-blue and Green Herons, as well as waterfowl such as Mallards, Wood Ducks, Common and Hooded Mergansers.

Pipeline activities during breeding season pose a particular threat to birds. Direct loss of nests will occur, as well as nest abandonment due to disturbance by noise and activity. Fledgling birds, which already have a low survival rate, will suffer greater losses. Impacts may well remain after construction, as open rights-of-way will remain indefinitely, permanently maintained by mechanical and chemical controls. These will continue to be detrimental to bird populations year after year, as they will provide corridors for predators and nest parasites to access breeding areas.

The DEC must protect bird and other wild life habitats along the entire length of the pipeline. Protect New York State's water quality by denying the 401 certificate or hold adjudicatory hearings for this project.

Impacts on Water Quality and Trout

- Construction of the Constitution Pipeline will have adverse impacts on designated high quality streams, trout streams and protected streams
- CP will adversely affect fishing and recreational benefits in the region
- Collocating an additional pipeline such as the TGP NED Pipeline will double the harm streams, trout and fishing and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

A Protection of Waters Permit is required for disturbing the bed or banks of a stream with a classification of AA, A or B, or with a classification of C with a standard of (T) or (TS). The proposed Constitution Pipeline will have adverse impacts on designated high quality streams, trout streams, and protected streams. In our area these include multiple trout streams (T) and spawning sites (TS) on Charlotte Creek, Delaware County.

The New York State Council of Trout Unlimited, consisting of 36 Chapters and over 7,600 members across New York State, has a keen interest in the preservation of New York's fishing habitats which include cold-water streams - the spawning grounds for trout. Constitution Pipeline crosses numerous waterways, creeks, and rivers, many of which harbor native trout and other species of special interest to conservationists. The pipeline will adversely affect fishing and recreational benefits in the region.

Please do what is necessary to protect our water, streams, and trout. In light of the damage this project will inevitably cause to our waterways and trout populations, you must deny "Constitution" pipeline the 401 Certificate or convene Adjudicatory Hearings for the project.

Irreversible Impacts from CP

- Clear-cut of hundreds of thousands of trees
- Use of herbicides to maintain the clear-cut areas
- Restrictions to our land-use
- Noise and structural damage from blasting and jackhammers
- Contamination of our village and town water and personal wells and water bodies from the blasting
- Degradation of our water quality
- Additional paths this project will create for storm runoff
- Creating a right-of-way for additional pipeline projects such as TGP NED Pipeline which will double irreversible impacts
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

Fossil fuels have reached the point where they can only be produced by using methods that are extreme, costly and dangerous to our rural communities.

For us rural residents who love and appreciate our land, forests and water bodies, and use best management practices to care for the land we appreciate and value, think about this:
Nearly all of the pipeline route would cross fragile and difficult terrain including 36 miles of woods; 277 rivers, ponds and streams; 35.1 miles of steep and side slopes, which will contribute to additional flooding; 45.4 miles of shallow bedrock, which will require blasting; and over 10.7 miles of wetlands – critical to ecological processes. The proposed pipeline is slated to travel through 555.3 acres of PRIME farmland and 33.4 miles in agricultural districts.

There are plenty of irreversible impacts Cabot Williams can create with the pipeline infrastructure alone: Starting with the clear-cutting of hundreds of thousand of trees, the use of herbicides to maintain the clear-cut areas, the restrictions to our land, the noise and structural damage from blasting and jackhammers, the contamination of our village and town water and personal wells and water bodies from the blasting, the degradation of our water quality, and the additional paths this project will create for storm runoff.

According to the NY State Governor's Office on 1/9/13, "There is a 100 year flood every 2 years now." Think of the increase in flooding should this project go through. Do not risk the forfeiture of our New York State clear waterways. The damage done by this pipeline cannot be mitigated. You must deny Constitution the 401 water quality certificate or hold Adjudicatory Hearings for this project.

Karst Topography

- Potential for stream and water body contamination in karst topography, including sediment and herbicide migration during and after construction
- The 200-foot buffer zone for herbicides and chemicals is not sufficient for fragile karst topography along the pipeline route
- Collocating an additional pipeline such as the TGP NED Pipeline will double the risk of burying a pipeline in karst topography and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

This letter is in reference to Section 401 of the Clean Water Act and the potential for stream and water body contamination in karst topography, including sediment and herbicide migration during and after construction of the Constitution Pipeline.

In reference to NYS DEC Website:703.2 Water Quality Standards. Taste, color, and odor-producing, toxic and other deleterious substances: None in amounts that will adversely affect the taste, color or odor thereof, or impair the water for their best usages.

Though tree cutting, blasting and herbicide spraying in any geographical region can result in contamination of water bodies and death of flora through root-to-root travel of chemicals, the situation is even more critical in areas which are characterized by fragile karst topography, underlain by subsurface water systems, as in Schoharie County.

- Karst landscapes are areas of caves and cracked limestone under the earth; a three dimensional landscape with dissolvable rock. This pipeline runs contiguous to a cave system; the index case of white nose fungal disease was identified in this system.
- Since subsurface migration of chemicals occurs with the increasing flow rate of run-off and rainstorms (during and as a continuing result of construction) as residue moves into sinks and seeps, the question is not *if* sediments and herbicides will seep through into aquifers, but how long it will take.
- An extensive section of the EIS relates to identification of karst features, caves and sink holes on land to which Constitution has existing survey rights. They highlight a host of potential problems and possible solutions. Amidst this, a single line in Constitution's Karst Mitigation Plan states that it will be *applying fertilizers, herbicides, pesticides, or other chemicals at least 200 feet from waterbodies or karst features*.
- Review of the literature, including the recommendations of the Forest Service, BLM and independent scientists strongly suggest that a buffer of 300 feet minimally be maintained, yet FERC has approved the 200 foot buffer proposed by Constitution.

The Constitution Pipeline Project threatens water courses and vegetation. You must deny this 401 water quality certificate or convene Adjudicatory Hearings for this project.

Loss of Forests

- CP will cut through some of the last remaining large forest tracts in the area
- These forests are natural water purifiers for New York's surface waters and aquifers
- Deforestation degrade headwater systems and affect stream, lakes and rivers downstream
- Forests lower our carbon footprint and are a natural carbon sink
- Ask DEC to take into account what the carbon emissions will be from the loss of all these forests
- Ask DEC to take into account increased carbon emissions from gas infrastructure build-out with its inherent air pollution, including compressor station pollution
- Collocating an additional pipeline such as the TGP NED Pipeline will double the amount of forest lost and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

The Constitution Pipeline's greenfield project will cut down tens of thousands of trees in a 150 foot swath through mature or near-mature forest. The DEIS documents that the right of way will cut through 36 miles of un-fragmented woodlands, affecting over 300 interior forested tracts. These forests cover ridge tops and steep slopes and are often the last remaining large forest tracts in the area. They are not only a special habitat for endangered animal and bird species, but a natural water purifier for New York's surface waters and aquifers. Changes like deforestation degrade headwater systems and affect streams, lakes, and rivers downstream. In addition, forests are an important link to lowering our carbon footprint.

The Kinder Morgan Northeast Energy Direct Project- the Tennessee Gas Pipeline (TGP) is planning to follow the same route as Constitution – cutting their own right of way parallel to Constitution's, through the same forested areas. They also plan to build several new compressor stations. One is in Schoharie – the same Town where Williams is currently asking permission for the Wright Compressor station to be expanded. This makes no sense and it is a double whammy to our fragile global climate.

The White House Council on Environmental Quality recently came out with a draft guidance report to federal agencies on evaluating climate change impacts in connection with FERC projects. This comes at a time that you are contemplating destroying large tracts of forests along Constitution's proposed route, while simultaneously allowing new compressor stations to be built, and existing ones expanded. I ask that the New York State DEC take into account what the carbon emissions will be from the loss of all these forests which are a natural carbon sink, while increasing at the same time New York's natural gas infrastructure with its inherent air pollution. This project will not only negatively affect our local ecosystems, but global climate change as well. You must deny the 401 water quality certificate or hold Adjudicatory Hearings for this project.

No Need for the Pipeline

- Needs assessment for the project was not done by FERC!
- 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
- 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.
- Some nonbinding franchises with towns along the route have been agreed to, but this gas would be only 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.
- Such a tiny amount of speculative use does not indicate a need for the project.
- This proposed pipeline is not in the public interest.
- It is not reasonable to destroy over 1800 acres of land so some companies' stock prices can rise.
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

DEC is required to do a public interest analysis before issuing a 401 water quality certificate. 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.

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. 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.

Tree Cutting Effects on Waterbodies

- Tree cutting and stump removal along hillsides contribute to flooding and sediment deposition in streams and creeks
- Storm runoff disturbs beds or banks of a protected streams or other watercourses
- Collocating an additional pipeline such as the TGP NED Pipeline will double the effects of tree cutting on waterbodies and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

This letter is in reference to Section 401 of the Clean Water Act and in particular, Tree Cutting Along Hillsides, Flooding and Sediment Deposition in relation to the Disturbance of the Bed or Banks of a Protected Stream or Other Watercourse

The Constitution Pipeline EIS raises numerous questions about water quality and safety along the length of the proposed FERC conditionally approved pipeline and any other pipeline that might be co-located along the route.

- As trees are cut, removing the roots that protect the integrity of hillsides, we can expect long-term turbidity and sediment deposition in streams and creeks both near and far from the pipeline route, especially during inclement weather.
- Flooding, runoff and washouts are so extensive in Delaware County that a proposal has been made to move part of the town of Sidney. (stormrecovery.ny.gov/sites/default/files/crp/community/documents/sidney_conceptual_nyrcr_plan.pdf)
- In light of the environmental history of this region, DEC should act to protect streams and water bodies from continued erosional danger along the proposed route, including hillsides, creek beds and wetlands.
- The scope of the current environmental analysis does not address how flooding and related land shifts will impact all streams, wetlands and land parcels in the proposed routes, as only 76% had allowed Williams to survey at the time of the study. Consider the following:

A February 1, 2012 article in the Oneonta Star documented the aftereffects of a relatively small tree cutting project at the Oneonta Airport, just a few miles from the pipeline route, on the opposite hillsides. The mayor of Oneonta “apologized…to several homeowners who live near the Oneonta Municipal Airport who said their warnings about runoff from a clear-cutting project of surrounding trees went unheeded…the city is holding its outside engineering consulting firm…accountable…The state Department of Environmental Conservation called a halt to the project in December and asked for the city to come up with a short-term fix to the runoff problem, as well as a long-term stormwater plan.”

This project, like the Constitution, was federally approved, yet in January 2012, “the DEC fined the city $56,000 after finding Clough Harbor's short-term runoff mitigation plan to be inadequate… The DEC faulted the project for creating sediment-laden runoff that impacted a tributary of Wilber Lake, which is the city's major source of water.” (http://www.thedailystar.com/localnews/x950977610/mayor-firm-will-pay-for-every-nickel-of-runoff-repairs/print/)

- In Pennsylvania recently, the Department of Environmental Protection (DEP) announced a settlement with Tennessee Gas Pipeline Company, LLC (TGP) for multiple violations of the Clean Streams Law during the construction of a natural gas pipeline in 2011 and 2012 through four counties in northeast and north-central Pennsylvania. (http://www.pocononews.net/news/2014/December/24/24Dec14-1.html)

- It must be clarified who is responsible for the cost of stream clean-up as this inevitable contamination occurs: Williams or the landowners who are forced to provide rights-of-way to Williams for the Constitution.
- We cannot expect Constitution Pipeline and those with whom it contracts to act in the best interests of our environment while this project is in construction and once it is completed. It is easier for them to pay the fine.

The DEC must protect our water quality now, by refusing to issue a 401 certificate. The State of Connecticut did so in 2006 (http://www.ct.gov/deep/cwp/view.asp?A=2712&Q=329860). Their decision was upheld by the 2nd Circuit Court of Appeals.

To protect our water quality, you must deny the 401 water quality certificate or hold Adjudicatory Hearings on this project.

Trout Spawning

- Fish, especially baby trout, need a lot of dissolved oxygen in their spawning streams.
- They also need clear cold water and will not survive if the water is too turbid (muddy) or too warm.
- Construction in clay soils on steep slopes will cause a turbid runoff lowering the amount of oxygen in the water and smothering trout eggs in silt.
- Clearcutting will warm trout spawning waters.
- Dry crossing stream construction will impact stream banks, increase sedimentation and turbidity, reduce shade, modify stream flow causing damage to fish gills, disrupt food sources, warm water temperature, degrade spawning and nursery habitat.
- Construction of the CP would violate NYS Water Quality Standards
- DEC's lawful duty is to enforce the Clean Water Act and protect those same standards.
- Collocating an additional pipeline such as the TGP NED Pipeline will double the harm to trout spawning streams and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

Fish, especially baby trout, need a lot of dissolved oxygen (>7.0 mg/L) in their spawning streams.1 They also need clear cold water, and will not survive if the water is too turbid (muddy), or too warm.2

However, construction in clay soils on steep slopes will cause a turbid runoff lowering the amount of oxygen in the water and smothering trout eggs in silt. Clear-cutting will warm those same trout spawning (C TS) waters. The FEIS admits as much noting that, "Temporary impacts on fisheries and aquatic resources, such as macroinvertebrates, from dry crossings would be stream bank disturbance, increased sedimentation and waterbody turbidity upon the return of flow to the stream following restoration, reduction in shading and cover, and modification of flow. These temporary impacts could cause physical damage to the gills of fish, disrupt food sources and predator/prey interactions, impact fish passage, increase ambient water temperature, degrade spawning and nursery habitat smother demersal eggs, and temporarily reduce reproduction potential."3

This blatant admission of future violations of our NYS Water Quality Standards is incompatible with DEC's lawful duty to enforce the Clean Water Act and protect those same standards.

Your job mandates protection of New York State water quality. To do this you must deny the 401 water quality certificate or hold Adjudicatory Hearings for this project.

Deforestation = human interference on trout streams – water impacts 1

- The Catskills is famous for its trout fishing. The brook trout is our State Fish
- CP's stream crossings, deforestation and massive streamside shade removal—which would cause erosion, siltation and warming of trout habitat—would violate DEC §703.2 Narrative Water Quality Standards as well as §703.3 Water Quality Standards for dissolved oxygen, dissolved solids, color and turbidity (Chapter X, Divisions of Water)
- Collocating an additional pipeline such as the TGP NED Pipeline will double impacts on trout streams and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

Dear Mr. Tomasik:

The hilly regions of the Catskills and Southern Tier have experienced three 100-year floods in less than a decade. Scientists and lawmakers in New York, along with the NYDEC, acknowledge that the frequency of these flood events is projected to increase.

The proposed Constitution Pipeline (CP) would tear through these hilly, flood-prone regions, clear-cutting 1,000 acres of forested land, much of it on slopes.

According to a report by the Intergovernmental Panel on Climate Change (IPCC): "**Deforestation in hilly areas** often leads to decreased infiltration of water and consequently higher runoff and increased peak water discharges following rainfall events…. Most importantly, it **results in increased soil erosion, gully and ravine formation, flooding risk, and siltation of reservoirs and irrigation schemes."**

The impacts of CP's massive clear-cutting of forestland, much of it on hillsides, would cause enormous amounts of runoff, erosion and siltation, violating all NYS Water Quality Standards, including 6 NYCRR §703.2 Narrative Water Quality Standards for turbidity, for flow and for suspended, colloidal and settleable solids. Protect New York's water quality. Deny the 401 water quality certificate, or hold adjudicatory hearings.

Sincerely,

(1) http://www.ipcc.ch/ipccreports/sres/land_use/index.php?idp=99

Deforestation – water impacts 2

- Between 400,000 and 1.2 million trees would be lost if Constitution Pipeline (CP) clear-cuts 1,000 acres of forested land through four flood-prone counties in NY
- Flooding would increase with the loss of root systems, tree canopy, and leaf litter
- Increased water velocity on deforested Rights-of-Way (ROWS) would increase turbidity, flow, and suspended, colloidal and settle-able solids in steams, in violation of 6 NYCRR §703.2 Narrative Water Quality Standards
- This increase in flooding will bring road-salt, fuel oil, methane gas, barnyard and septic waste, pesticides, fertilizers, and other toxic chemical contamination to our fresh surface waters
- The site of the old Amphenol Plant in Sidney threatens downstream communities with hazardous waste contamination unleashed during floods
- Collocating an additional pipeline such as the TGP NED Pipeline will double impacts on water quality and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

Dear Mr. Tomasik:

The Constitution Pipeline (CP) would clear-cut 1,000 acres of forested land along its proposed route through four of New York's most flood-prone counties. This would equal the loss of between 400,000 and 1.2 million trees, depending on density of the plantings.

The root systems, canopies and leaf litter of trees help slow water runoff and reduce downstream flooding. CP's massive deforestation would serve to increase the frequency and severity of future flooding and increase the amount and velocity of water that runs into our creeks and rivers. This, in turn, would increase turbidity; increase flow; and increase suspended, colloidal and settleable solids, thus violating 6 NYCRR §703.2 Narrative Water Quality Standards. Worse, the loss of so much forestland, much of it on slopes, could turn manageable and even ordinary rain events into locally catastrophic floods.

In rural areas, through which the majority of the pipeline would run, flooding typically contaminates fresh surface waters with road-salt, fuel oil, methane gas, barnyard and septic wastes, pesticides, fertilizers, other toxic chemicals, as well as saline water, oil or gas from abandoned oil or gas wells. Flooding in the town of Sidney further threatens downstream water quality with the danger of hazardous-waste contamination from the old Amphenol plant, located at a low elevation in the town. With these risks in mind, I urge you to deny the 401 water quality certificate, or hold adjudicatory hearings.

Sincerely,

Deforestation -- water impacts 3

- 554 banks of rivers, streams, and creeks in NY will be permanently changed by the tree-clearing on 100-foot-wide Rights-of-Way (ROWS) for the Constitution Pipeline (CP)
- Maintenance of 50-100 feet of trees and vegetation is recommended from the banks of all waterbodies by Cornell Cooperative Extension for landowners, loggers, and timber harvesters
- This "streamside management zone" allows water to percolate well, thereby reducing flooding
- This zone also slows runoff, and filters sediment and nutrients from the runoff, reducing sedimentation in water bodies
- Tree cover shades streams, thereby cooling the water -- essential for trout survival.
- Trees and vegetation stabilize stream banks, reducing erosion
- Clearing these ROWS along streams causes runoff and turbidity, threatening the water quality standards established by NYS
- According to DEC regulations, turbidity should not be such that it causes a noticeable visible change from normal stream conditions
- The FEIS states that streams the pipeline would cross in NY are classified as AA, C, C(T), C(TS) and D
- Construction of the CP would most certainly cause erosion, flooding, and increased turbidity in the waterways it is projected to cross
- Collocating an additional pipeline such as the TGP NED Pipeline will double impacts on trout streams and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

Dear Mr. Tomasik:

The proposed Constitution Pipeline (CP) would permanently alter 554 waterbody banks in New York—most of them creek-, stream- and riverbanks—by clear-cutting 100-foot-wide swaths of trees and vegetation leading up to and away from 277 waterbodies.

According to a 2004 Cornell Extension Service manual of best management practices (BMPs) for timber harvesting, loggers and property owners should "maintain a [50- to 100-foot] wide strip of intact trees, seedlings and shrubs on either side of a stream." This "streamside management zone" is recommended because trees and vegetation along streambanks are essential to: 1.) allowing water to soak into the ground, thus reducing flooding; 2.) slowing runoff water and filtering sediment and nutrients from runoff, thus reducing the amount of pollution flowing into streams; 3.) shading streams, thus providing the cold-water habitat required by trout; and 4.) stabilizing streambanks. Tree and plant roots hold soil together, making it more difficult for currents and runoff to wash soil away.

Clear-cutting more than five hundred 100-foot-wide strips of trees and vegetation along NY streambanks would threaten NYS narrative water quality standards for streams by causing increased turbidity. As per the FEIS Appendix K-2 (Vol. 2; PDF pgs. 441–457), streams that the pipeline would cross in four NY counties are classified as AA, C, C(T), C(TS) and D. These streams shall not have turbidity levels that will cause a substantial visible contrast to natural conditions (DEC Regulations, Chapter X, Divisions of Water, §703.3). CP's massive streamside clear-cutting would without doubt cause increased stream turbidity (and erosion and flooding) in both the short and long term. As such, I ask you to deny the 401 water quality certificate, or hold adjudicatory hearings.

Sincerely,

Deforestation – water impacts 4

- Clear-cutting of 1000 acres of forest by Constitution Pipeline (CP) would leave 100-footwide bare corridors leading down to and away from streams and wetlands
- Removal of trees' roots and canopies leaves riparian zones vulnerable to erosion
- Trenching and rock blasting required to lay the pipe in these streams and waterbodies will increase runoff and stream turbidity
- For the AA, A, B, C, and D streams that comprise the majority of streams CP would cross, DEC specifically regulates against an … "increase in turbidity that will cause a substantial visible contrast to natural conditions (Chapter X, Divisions of Water, §701.3)
- Turbidity will inevitably increase as construction of CP adds sediment and other solids to stream beds
- Collocating an additional pipeline such as the TGP NED Pipeline will double impacts on water quality and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

Dear Mr. Tomasik:

The Constitution Pipeline (CP) would require the clear-cutting of 1,000 acres of forested land, including 100-foot-wide swaths leading up to and away from delicate streamside riparian zones. Riparian zones are extremely vulnerable to erosion if not populated with trees and vegetation, whose roots act as anchors for soil and whose canopies help reduce the impact of raindrops on exposed soil. CP would also require the digging of massive trenches on steep slopes in clay soil and the blasting of consolidated rock. All of these activities will cause runoff, making streams muddy, or turbid.

For AA, A, B, C, and D streams—this includes nearly all of the stream crossings along CP's proposed route—DEC regulations state there can be "no increase in turbidity that will cause a substantial visible contrast to natural conditions" (Chapter X, Divisions of Water, §701.3). The construction of the proposed CP will cause added inputs of sediment and other solids and therefore will cause a visible increase in turbidity.

I ask you to deny the 401 water quality certificate, or hold adjudicatory hearings.

Sincerely,

Deforestation – water impacts 5

- 1000 acres of forest would be clear-cut by construction of the Constitution Pipeline (CP)
- At a distance of 10 feet between trees, 436,000 trees would be destroyed
- At a distance of 6 feet between trees, 1.2 million trees would be destroyed
- In 9 months of construction, CP would wipe out the efforts of the Million Trees NYC Project which has planted 943,205 trees in NY since 2007
- As flooding increases, removing trees that would help mitigate the ravages of flooding flies in the face of the DEC's stated mission
- Removal of trees that filter sediment and other solids from runoff, keeping them out of waterbodies, would negatively impact water quality in NYS
- Collocating an additional pipeline such as the TGP NED Pipeline will double impacts on water quality and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

Dear Mr. Tomasik:

If the DEC were to approve the permits for the Constitution Pipeline, DEC would be giving a thumbs-up to clear-cutting 1,000 acres of forested land in New York. Assuming ten feet between each tree, this would mean a loss of 436,000 trees. Assuming six feet between each tree, the pipeline would take more than 1.2 million trees.

Put another way, in the span of its projected nine-month "construction" process, Constitution Pipeline would most likely completely destroy the work of the Million Trees NYC project, which, since 2007, has planted 943,205 trees in New York. Condoning massive deforestation is antithetical to the DEC's mandate, especially as the frequency of floods in New York continues to increase. Trees significantly help slow surface runoff and reduce flooding. Trees significantly contribute to keeping sediment and unwanted nutrients from flowing into streams and lakes. The construction of CP would necessarily have a permanent negative impact on water quality. Therefore, I urge you to deny CP the 401 water quality certificate, or hold adjudicatory hearings.

Sincerely,

Deforestation = human interference on trout streams

- The Catskills is famous for its trout fishing. The brook trout is our State Fish
- CP's stream crossings, deforestation and massive streamside shade removal—which would cause erosion, siltation and warming of trout habitat—would violate DEC §703.2 Narrative Water Quality Standards as well as §703.3 Water Quality Standards for dissolved oxygen, dissolved solids, color and turbidity (Chapter X, Divisions of Water)
- Collocating an additional pipeline such as the TGP NED Pipeline will double impacts on trout streams and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

Dear Mr. Tomasik:

The Catskills is famous for its trout fishing. The brook trout is our State Fish. The proposed Constitution Pipeline (CP) would threaten New York's trout population. According to an article from the DEC magazine Conservationist: "Even the most adaptable trout cannot survive much human interference with its environment. All trout require cool, clean water and it is very easy for human activity to eliminate this condition. Activities such as clearing forests…can convert cool, fast-flowing gravelly streams into still, warm, silty waterways incapable of supporting trout."

Constitution Pipeline would cut across 45 trout streams 84 different times. CP would clear-cut 1,000 acres of forested land surrounding those habitats. This would include permanent removal of 168,000 feet of shade-providing vegetation and trees at those stream crossings. CP's stream crossings, deforestation and shade removal—which would cause erosion, siltation and warming of trout habitat—would be an extreme human interference and would violate DEC §703.2 Narrative Water Quality Standards as well as §703.3 Water Quality Standards for dissolved oxygen, dissolved solids, color and turbidity (Chapter X, Divisions of Water). A report on brook trout from another state agency warns: "Brook trout are the 'canaries in the coal mine;' they serve as indicators of the health of the watershed. A decline in brook trout populations may be a warning that the entire watershed is in trouble." With these facts in mind, I urge you to deny the 401 water quality certificate, or hold adjudicatory hearings.

Sincerely,

Deforestation effects on oxygen in trout streams

- CP would clear-cut 1,000 acres of forested land surrounding prime brook trout habitat
- CP would permanently remove 100-foot wide swaths of vegetation and tree canopy on either side of 45 trout streams that the pipeline would cross 84 different times. That would be a total of 168,000 feet of streamside clear-cutting—equal to the length of 467 football fields
- Trout require cool water because it contains a lot of dissolved oxygen (DO). Without a certain level of DO, trout die
- Removal of streamside trees and vegetation exposes streams to sunlight, thus increasing water temperatures and decreasing DO levels. This threatens the ability of trout to live and thrive
- If CP's deforestation raises temperatures in trout streams, it would violate DEC Regulation Chapter X, Divisions of Water, §703.3 regarding DO levels in trout habitat
- Collocating an additional pipeline such as the TGP NED Pipeline will double impacts on trout streams and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

Dear Mr. Tomasik:

The proposed Constitution Pipeline (CP) would threaten New York's brook trout by clear-cutting 1,000 acres of forested land surrounding prime brook trout habitat. This deforestation would include permanent removal of vegetation and tree canopies on either side of 45 trout streams the pipeline would cross 84 different times. Because CP would require a 100-foot-wide clear-cut right-of-way along its entire route, that would mean 168,000 feet of permanent streamside deforestation—the length of 467 football fields.

All trout, but especially brook trout, require cool water to survive because it contains a lot of dissolved oxygen (DO). Removal of streamside trees and vegetation threatens trout by exposing streams to sunlight, thus increasing water temperatures and decreasing DO levels. Trout eggs are especially vulnerable to increased water temperatures and lowered DO levels. DEC regulations state: "For trout spawning waters (TS), the DO concentration shall not be less than 7.0 mg/L from other than natural conditions. For trout waters (T), the minimum daily average shall not be less than 6.0 mg/L, and at no time shall the concentration be less than 5.0 mg/L" (Chapter X, Divisions of Water, §703.3).

CP's permanent removal of trees and vegetation along 168,000 feet of trout streambanks would undeniably put stress on New York's trout population, and would likely violate DEC Water Quality Standard §703.3 for dissolved oxygen. As such, I ask you to deny the 401 water quality certificate, or hold adjudicatory hearings.

Sincerely,

Deforestation effects on trout stream turbidity

- DEC says it is "working to preserve" the brook trout, New York's official State Fish
- CP would threaten this work by cutting across 45 trout streams 84 different times in NY and clear-cutting 1,000 acres of forested land leading up to and away from those streams
- Deforestation causes increased runoff and erosion, which increases turbidity, or muddiness, in streams
- Brook trout require clear water because they are sight feeders. Murky, muddy water at any time = starving fish
- Turbid, muddy water also contains less dissolved oxygen, which trout need
- The results of CP's deforestation would violate DEC Water Quality Standards for dissolved oxygen, color and turbidity. (Chapter X, Divisions of Water, Part §703.3)
- Collocating an additional pipeline such as the TGP NED Pipeline will double impacts on trout streams and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

Dear Mr. Tomasik:

According to the DEC website, "DEC is working to preserve" New York's official State Fish, the brook trout. The proposed Constitution Pipeline (CP) would interfere with these efforts, not only by tearing across 45 trout streams 84 different times (FEIS, Appendix N; Vol 2 – PDF pgs. 545-553); they would also threaten trout habitat by clear-cutting 1,000 acres of forested land surrounding these streams.

Brook trout require cool, clear water in order to survive. Deforestation—especially in hilly areas like those through which the pipeline would cut—causes increased runoff and erosion, which, in turn, increases turbidity, or muddiness, in streams. Even following "best management practices," CP's massive clear-cutting of trees would cause runoff, erosion and added inputs of sediment and other solids into all streams it would cross or run near. This would violate DEC Water Quality Standards for pH, dissolved oxygen, dissolved solids, color and turbidity. (Chapter X, Divisions of Water, Part §703.3).

According to a report on brook trout from the Maryland Department of Natural Resources, "too much dirt in the water can affect brook trout populations by decreasing the dissolved oxygen, smothering eggs…and reducing the production of food organisms. Since brook trout are sight feeders, they are affected by even a little bit of turbidity because it reduces their ability to see their food." CP would harm New York's trout and streams. I ask you to deny the 401 water quality certificate, or hold adjudicatory hearings.

Sincerely,

Wetland Destruction and Relocation

- 9% of the route for the proposed Constitution Pipeline is through regulated wetlands.
- Wetlands are critical to protecting water quality.
- Wetlands, also known as marshes, swamps, and bogs, provide critical habitat for plants, fish, and wildlife uniquely adapted to this environment.
- Wetlands purify polluted waters and minimize the destruction of floods and storms.
- Wetlands also provide many recreational opportunities.
- Wetlands purify water by filtering sediment and absorbing pollutants from surface water.
- A wetland restoration study in NY shows that only about half of the organic matter had reestablished within 55 years compared to the original wetland.
- Storage of excess water in wetlands reduces downstream flooding.
- Later, drought is mitigated in streams as this stored water is slowly released.
- Wetland vegetation reduces erosion and sedimentation of streams.
- NYS DEC states that a project must not cause "unreasonable, uncontrolled or unnecessary damage to the natural resources of the state, including soil, forests, water, fish, shellfish, crustaceans, and aquatic and land-related environment."
- With inadequate survey information, and lacking a forest management plan, the FEIS fails to accurately predict the expected devastation from wetland destruction and the "mitigation" of relocating wetlands.
- Collocating an additional pipeline such as the TGP NED Pipeline will double impacts on wetlands and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

Dear Mr. Tomasik,

A general review of the FEIS for the Constitution Pipeline Project reveals that 10.7 miles of the route, totaling 9%, are regulated wetlands. This figure does not include the, at minimum, 12% of the parcels still not surveyed or the wetlands that are no longer (or never were) under DEC regulation.

Wetland integrity is critical to long-term water quality. Transitional areas between land and water bodies, wetlands provide protection in places where water periodically floods the land or saturates the soil, as happens often along the pipeline route.

According to the National Park Service, "The term wetlands includes wet environments such as marshes, swamps, and bogs. They may be covered in shallow water most of the year, or be wet only seasonally. Plants and animals found in wetlands are uniquely adapted to these wet conditions.
"Wetlands are known to serve a variety of important functions. They provide critical habitats for fish and wildlife, purify polluted waters, and check the destructive power of floods and storms. Wetlands also provide recreational opportunities such as fishing, hunting, photography, and wildlife observation. They are fast becoming recognized as productive and valuable public resources."(1)

The removal, alteration, or mitigation of wetlands as a result of this project will be a direct and continuing threat to water quality and use. As natural water purifiers that filter sediment and absorb pollutants in surface waters, any modification of the ecosystem, including and surrounding a wetland, will result in permanent change, ultimately affecting the quality of groundwater supplies as well. A recent study confirms that restored wetlands rarely equal condition of original wetlands:

"One review of wetland restoration projects in New York state, for example, found that 'after 55 years, barely 50 percent of the organic matter had accumulated on average in all these wetlands' compared to what was there before…To prevent this, preserve the wetland, don't degrade the wetland."(2)

- Wetlands along rivers and streams store excess water during rainstorms. This reduces downstream flood damage and lessens the risk of flash floods. The slow release of this stored water to rivers and streams helps keep them from drying up during periods of drought.
- Wetland vegetation holds the soil and slows the downstream movement of sediment.
- By absorbing storm water, wetland vegetation serves as a buffer against shoreline and riverbank erosion. (1)

The removal of wetlands, or their relocation to other areas, will increase the impact of future storm events. According to the DEC, a project must not cause unreasonable, uncontrolled or unnecessary damage to the natural resources of the state, including soil, forests, water, fish, shellfish, crustaceans, and aquatic and land-related environment.

The FEIS, lacking full survey information and a forest implementation plan, and containing inadequate survey information, fails to plot the trajectories of ecosystem change that will result from wetland disruption, among other major project shortcomings. Please deny the 401 water quality certificate, or hold adjudicatory hearings.

Sincerely,

(1) http://nature.nps.gov/water/wetlands/aboutwetlands.cfm
(2) http://newscenter.berkeley.edu/2012/01/24/study-shows-restored-wetlands-rarely-equal-condition-of-original-wetlands/ &
Published paper: http://journals.plos.org/plosbiology/article?id=10.1371/journal.pbio.1001247

Williams Bargath Violations

- Williams paid the most fines of any oil and gas company in Pennsylvania for excess erosion and drilling mud spills into creeks during pipeline construction in 2013
- Williams consistently violates water quality permits resulting in devastating harm to streams and wetlands
- Williams record clearly demonstrates a pattern of noncompliance resulting in water contamination and environmental construction
- Williams blatantly ignores the Best Management Practices in its permit applications
- Kinder Morgan's permit violations are as horrendous as Williams – collocating an additional pipeline such as the TGP NED Pipeline will double impacts on trout streams and must be evaluated cumulatively
- Protect New York State water quality deny the 401 water quality certificate!

SAMPLE LETTER

Dear Mr. Tomasik,

In 2013, **Williams paid the most fines of any oil and gas company in Pennsylvania for excess erosion and drilling mud spills into creeks during pipeline construction**. This resulted in repeated water contamination(1). DEP penalty reports reveal that Williams consistently: disregarded Best Management Practices, had previously cited violations that went un-remediated, and repeated the same violations over and over again.(2)

Williams committed the same violations in Colorado during pipeline construction. The "Colorado Water Quality Control Division" fined Williams subsidiary, "Bargath", $275,000 for violating the following Permit conditions: **deficient or incomplete stormwater management plan, failing to use proper stormwater management practices, and failing to properly perform and/or document inspections of its management system.**(3)

As a result, the Division said "systems such as water bars and straw wattles were not in place to prevent sediment and soil from going off steep slopes and into a tributary of Parachute Creek. One area was a 35-acre site where there was blasting of a high wall cut, and a 50 percent grade, and it lacked protections such as straw wattles on the face of the slope".

The director of the Division, Steve Gunderson, summed up the incident poignantly: **"They just basically destroyed the hillside and it was a pretty serious violation."**(4)

Williams' record clearly documents a pattern of noncompliance resulting in water contamination and environmental destruction. The Company consistently puts forth Best Management Practices in its permit applications and then blatantly ignores those very practices during pipeline construction.

New York has the benefit of hindsight from the fines and violations, documented in Pennsylvania and Colorado. The DEC should use this information to prevent such violations from being committed here. As stewards of the water and natural resources of New York State, the only responsible decision is to deny this 401 water quality certificate.

Sincerely,

(1) http://stateimpact.npr.org/pennsylvania/2014/02/27/dep-fined-oil-and-gas-companies-2-5-million-last-year/
(2) https://www.documentcloud.org/documents/1017799-williams-field-services-penalty-assessment.html
(3) https://www.colorado.gov/pacific/sites/default/files/11-05-12 Bargath LLC (SP-121105-1, Garfield County).pdf
(4) http://www.gjsentinel.com/news/articles/williams-subsidiary-fined-over-stormwater-violatio