



**HEATHER C. BRICCETTI, ESQ.**  
President and CEO

January 12, 2015

Stephen M. Tomasik  
NYS DEC- Division of Environmental Permits  
625 Broadway, 4<sup>th</sup> Floor  
Albany, New York 12233-1750

Re: Constitution Pipeline – Water Quality Permits

Dear Mr. Tomasik:

On behalf of the Business Council of New York State, Inc. (“The Business Council”), I submit the following comments concerning the application by Constitution Pipeline (“Constitution”) for various water quality permits from the New York State Department of Environmental Conservation (“The Department”). The Federal Energy Regulatory Commission has extensively reviewed the application from Constitution, recommended changes and has issued last December a certificate of public convenience and necessity. The FERC action highlights the importance of the Constitution Project at addressing our national and regional energy needs.

The urgent need to facilitate additional natural gas pipeline infrastructure has been well-documented throughout New York State and New England, and cannot be overstated. The New York and New England natural gas and electric markets are linked in many ways. A shortage of natural gas in the New England markets not only drives natural gas prices to unsustainable levels, such shortages also result in a corresponding electric wholesale market increase. Due to New York’s significant involvement in the regional markets, New York consumers are exposed to price volatility caused by a constrained gas market and regional distribution constraints.

While the metropolitan areas of the Northeast will receive the bulk of the natural gas delivered through the Constitution Pipeline, it is important for the Department to remain sensitive to the needs of smaller communities along the pipeline route which will significantly benefit from access to natural gas. Any discussion of the Constitution project must also consider the beneficial impact to Amphenol Aerospace, a major employer with over 1000 employees in Sidney, NY. Delivery of natural gas is critical to the competitive position of Amphenol, as well as to the numerous other communities in this region of New York State which will benefit in the future by having access to natural gas.

The Business Council has reviewed the respective permit applications submitted by Constitution to the Department, and we believe that the applicant has sufficiently demonstrated its commitment to ensure that construction of the pipeline has the least possible adverse impact upon the environment. Indeed,

Constitution has worked closely with state and federal regulatory agencies to ensure that pipeline construction is performed in a manner that is protective of the environment and water quality.

Constitution proposes to utilize trenchless crossing methods, employing horizontal directional drilling to cross a number of water bodies. Permanent wetland right-of-ways are maintained at 30 feet in order to reduce impacts upon wetlands. Mitigation measures for work near waterbodies include the following: limited clearing of vegetation; perpendicular crossings of most waterbodies; maintaining adequate water flow rates throughout construction, thereby preserving aquatic life; and, maintaining ancillary construction activities at least 100 feet from waterbodies.

In addition, Constitution has mostly been able to limit the construction right-of-way width to 75 feet, while also ensuring that vegetation is cut just above ground level, leaving existing root systems in place. Numerous other environmental protection measures are contained within Constitution's construction plan to limit any permanent impact upon the environment. Moreover, Constitution plans six specific mitigation projects along the pipeline route, adding additional wetland and soil conservation measures which will more than compensate for any permanent losses due to pipeline construction.

It is clear that any time a project of this magnitude is constructed that there will be environmental impacts which must be addressed. The Business Council is confident that the applicant has worked diligently so the project can be built and maintained with a minimum of disruption to the environment and that Constitution's plans with appropriate regulatory oversight will justify approval of the necessary DEC water permits.

The Department should approve these permit applications without delay.

Sincerely,

A handwritten signature in black ink, appearing to read "William C. Brucetta". The signature is written in a cursive style with a prominent loop at the end.

/ds