



Department of  
Environmental  
Conservation

# 7 Minutes in Heaven

## NYSDEC Update

NEBAWWG-MAWWG Joint Wetlands Workgroup Meeting  
November 14, 2018

# Overview

Bureaucratic Heaven

Permitting Heaven

Programmatic Heaven

# Wetland Assessment



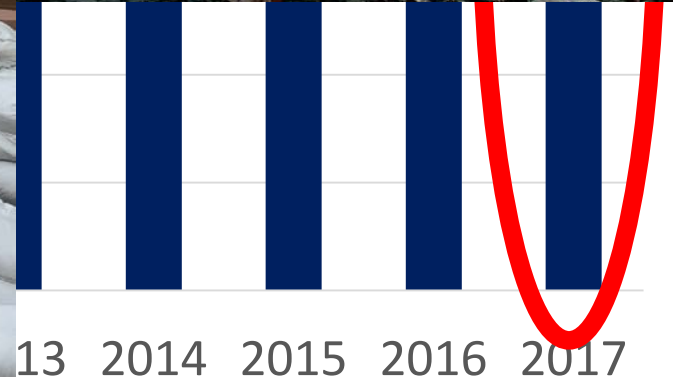
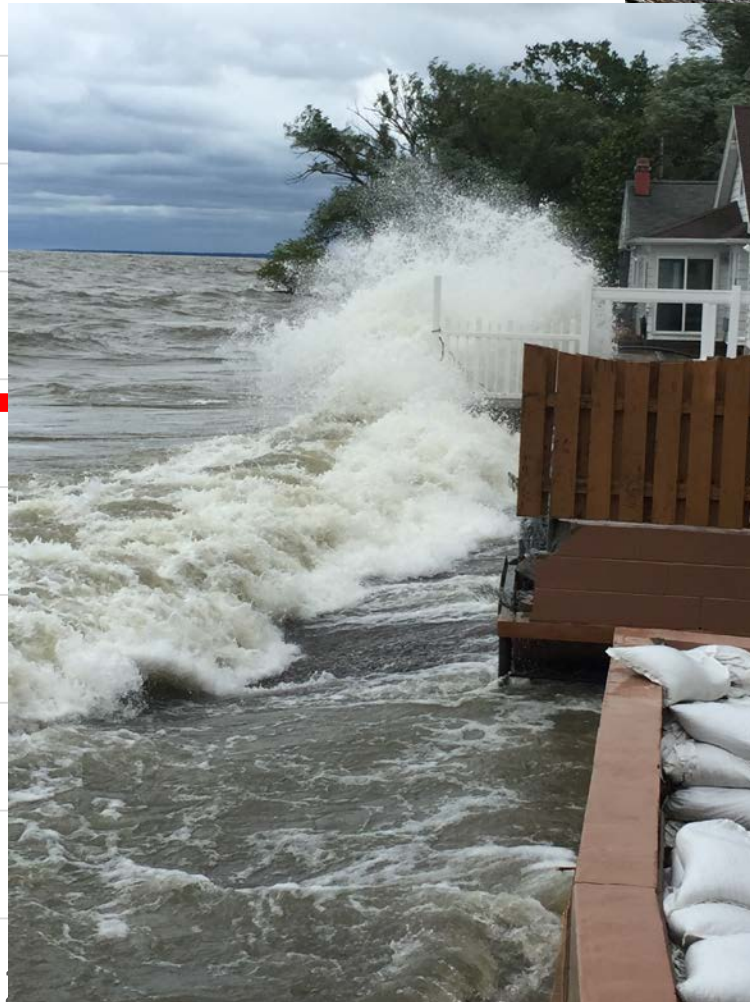


**Bureaucratic  
Heaven**

# Permit Appli

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# Permitting Heaven

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CALL THE STATE ONE-CALL  
FOR THE 1-800 NUMBER BELOW  
EMERGENCY

**LIST OF PROPOSED PROJECT SCOPE CONSTITUTION PIPELINE PROJECT**

**PIPELINE**

- PROPOSED PRIMARY PIPELINE (RED LINE)
- EXISTING IROQUOIS PIPELINE (ORANGE LINE)
- EXISTING TENNESSEE PIPELINES (YELLOW LINE)
- EXISTING MILLENNIUM PIPELINE (GREEN LINE)
- EXISTING LASER PIPELINE (PURPLE LINE)

**OTHER FACILITIES**

- PROPOSED NEW FACILITIES (RED SQUARE)
- PROPOSED METER AND REGULATOR STATION (RED CIRCLE)
- EXISTING METER AND REGULATOR STATION (RED SQUARE)

**FOR DISCUSSION PURPOSES  
SUBJECT TO CHANGE  
07/26/2013**

0 8 16 24  
SCALE IN MILES

**CONSTITUTION PIPELINE  
PROJECT LOCATION MAP**

CONSTITUTION PIPELINE COMPANY, LLC  
July 26, 2013

Rev. E

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits & Pollution Prevention  
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April 22, 2016

Lynda Schubring, PMP  
Environmental Project Manager  
Constitution Pipeline Company, LLC  
2800 Post Oak Boulevard  
P.O. Box 1396  
Houston, Texas 77251-1396

Re: Joint Application: DEC Permit # 0-9999-00181/00024 Water Quality  
Certification/Notice of Denial

Dear Ms. Schubring,

On April 27, 2015, Constitution Pipeline Company, LLC (Constitution) submitted to the New York State Department of Environmental Conservation (NYSDEC or Department) a Joint Application (Application)<sup>1</sup> to obtain a Clean Water Act<sup>2</sup> Section 401 Water Quality Certification (WQC) for the proposed Project and New York State Environmental Conservation Law (ECL) Article 15, Title 5 (Protection of Waters) and Article 24, Title 23 Freshwater Wetlands permits. Based on a thorough evaluation of the Application as well as supplemental submissions, the Department hereby provides notice to Constitution that in accordance with Title 6 New York Codes Rules and Regulation (NYCRR) Part 621, the Application fails in a meaningful way to address the significant water resource impacts that could occur from this Project and has failed to provide sufficient information to demonstrate compliance with New York State water quality standards. Constitution's failure to adequately address these concerns limited the Department's ability to assess the impacts and conclude that the Project will comply with water quality standards. Accordingly, Constitution's request for a WQC is denied.<sup>3</sup> As required by 6 NYCRR §621.10, a statement of the NYSDEC's rationale for denial is provided below.

## BACKGROUND

The Federal Energy Regulatory Commission (FERC) issued a certificate approving construction and operation of the pipeline on December 2, 2014, conditioning

<sup>1</sup> New York State and U.S. Army Corps of Engineers

# The Constitutional Saga – 2<sup>nd</sup> Circuit Appeals

5/16/2016 - Appeal to 2<sup>nd</sup> Circuit Court of Appeals

8/18/2017 - 2<sup>nd</sup> Circuit Upholds Denial

9/1/2017 - Petition for Full Panel at 2<sup>nd</sup> Circuit

10/19/2017 - Petition Denied

1/16/2018 - Appeal to Supreme Court

4/30/2018 - Supreme Court Refuses to Hear Case







## Valley Lateral Project





**National Fuel**

# **Northern Access Project**

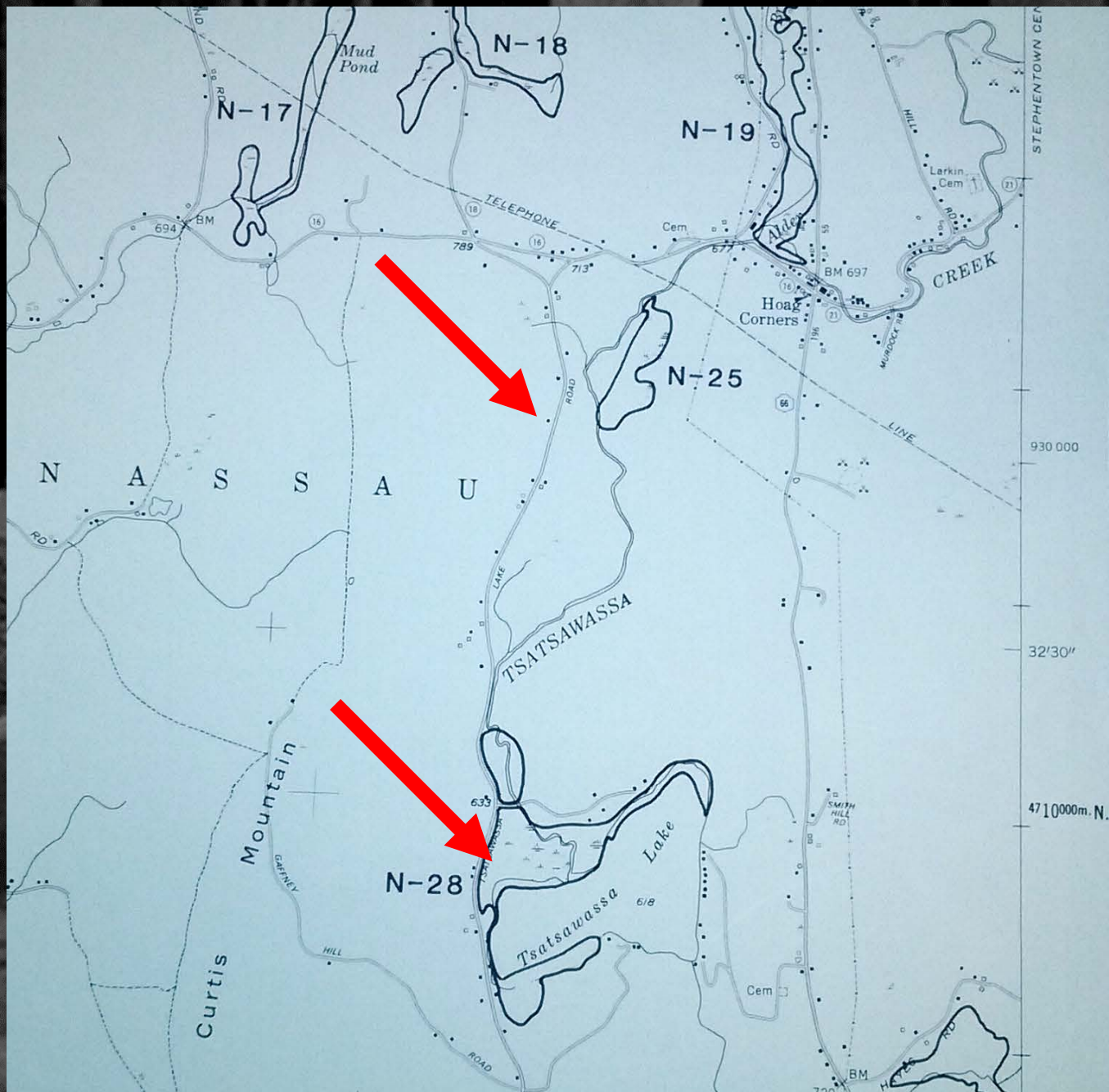


A photograph of a long row of metal filing cabinets in a room. The cabinets are arranged in several rows, receding into the distance. They have silver handles and labels. The room has a white wall and a red fire alarm pull station on the wall. The floor is carpeted.

# Programmatic Heaven

# Freshwater Wetland Mapping in NY





New York State  
Freshwater Wetlands Map

Rensselaer  
County



Map 16 of 22

This map was promulgated, pursuant to Article 24 of the Environmental Conservation Law (The Freshwater Wetlands Act) on March 26, 1986 by the Commissioner of New York State Department of Environmental Conservation.

LEGEND:

- Approximate wetland boundary
- Upland inclusion
- AA-00 Wetland identification code

NOTES:

This map indicates the approximate location of the actual boundaries of wetlands regulated according to the Freshwater Wetlands Act.

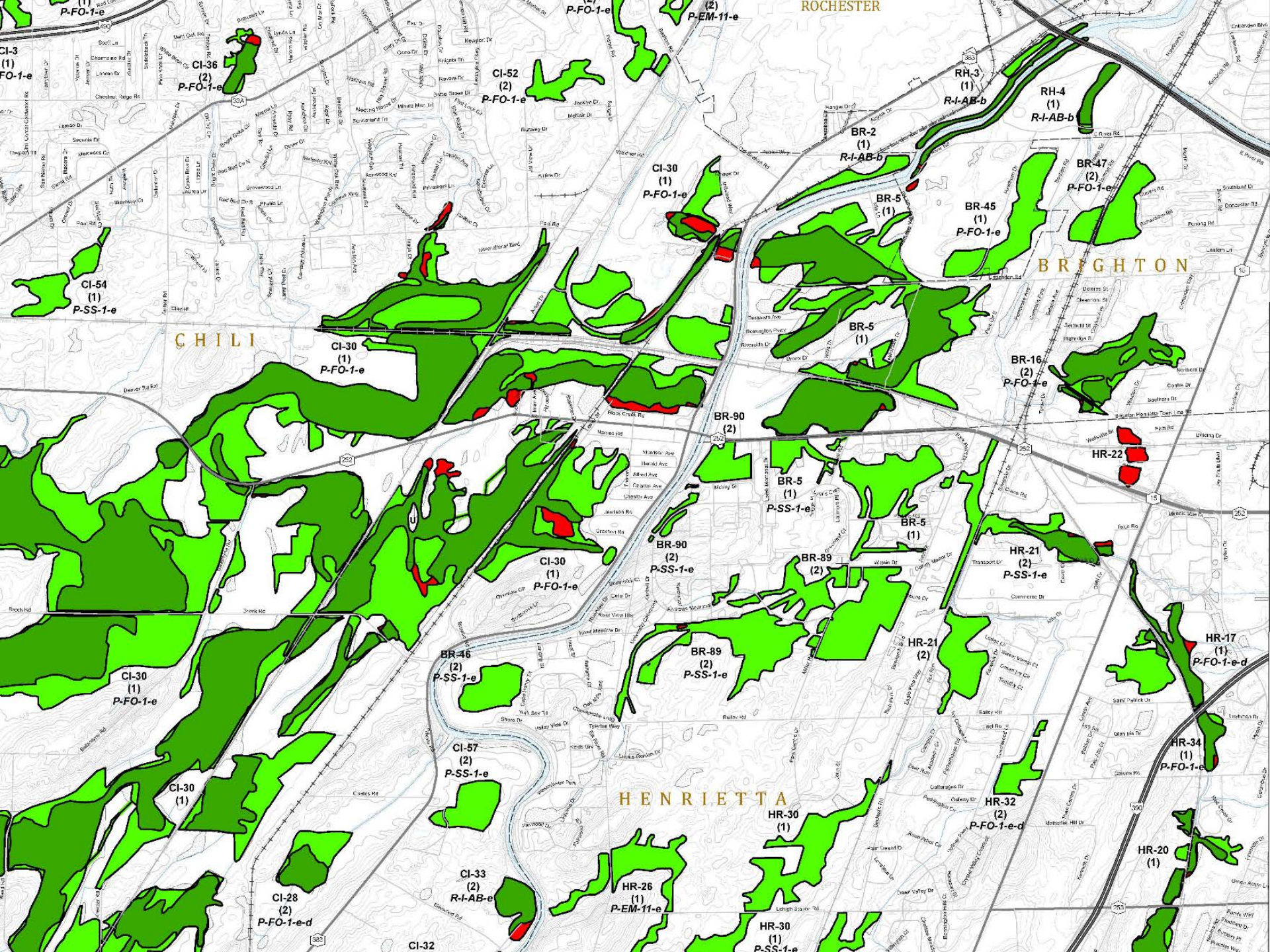
Map information other than the wetland boundaries was prepared by the New York State Department of Transportation and the United States Geological Survey. The locational information provided on the map is for reference only. Marsh symbols do not necessarily indicate the location of a regulated wetland.

Adjacent areas of the regulated wetlands are those areas within 100 feet of the boundary of the wetland. These areas are subject to regulation pursuant to the Freshwater Wetlands Act but are not delineated on this map. An adjacent area may be extended by special order of the Commissioner of the New York State Department of Environmental Conservation or the local regulatory authority.

Copies of Freshwater Wetlands Maps are available from the regional offices of the Department of Environmental Conservation. Maps are available for inspection at these offices.

1,000,000

1,222,000 Currently Mapped



as advertised

**7,281,722.99**

**Remapping FWW in New York**

- Includes certified mail, newspaper notice, and hearings

Quantity limited; no rain checks.



207-21-0008 810043723 1-1-1.01

Prices Valid  
3/9-3/13

and provide the guidance needed to adapt to a changing climate.

*Proposal: Launch Resilient NY to Dramatically Enhance Community Resilience in the Face of Climate Change*

**...and the Department of Environmental Conservation will update and improve its maps of wetlands...**

Summer, there is no denying that we must prepare for extreme weather that is increasing in frequency due to our changing climate. In each of these instances, Governor Cuomo has taken bold, aggressive action, pioneering landmark initiatives like the NY Rising program, to ensure that communities affected by





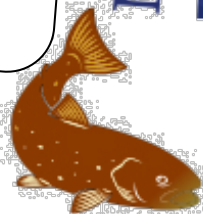
The Nature Conservancy  
Protecting nature. Preserving life.

North Atlantic LCC  
North Atlantic Landscape  
Conservation Cooperative

VERMONT  
AGENCY OF NATURAL RESOURCES  
*Respect. Protect. Enjoy.*



North Atlantic Aquatic Connectivity Collaborative



NAACC



Department of  
Environmental  
Conservation



UMASS  
AMHERST



Cornell University

19,390

A black salamander with bright yellow spots is shown in a close-up, resting on a forest floor covered with dry leaves, twigs, and small stones. The salamander's body is dark and glossy, with a row of yellow spots along its back and sides. Its legs are also black with small white spots.

# Thank You

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