

# PUBLIC NOTICE

US Army Corps  
of Engineers

New York District, CENAN-OP-R  
Upstate Regulatory Field Office  
1 Buffington Street, Bldg. 10, 3<sup>rd</sup> Floor  
Watervliet, New York 12189-4000

**In replying refer to:**

Public Notice Number: NAN-2012-00449-UBR  
Issue Date: March 4, 2014  
Expiration Date: April 7, 2014

**ANNOUNCEMENT OF PUBLIC HEARINGS  
AND  
REQUEST FOR PUBLIC COMMENT**

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S. C. 1344).

**APPLICANT:** Constitution Pipeline Company, LLC  
P.O. Box 1396  
Houston, Texas 77251-1396

**REGULATED  
ACTIVITY:** Discharge of fill material into regulated waters and wetlands of the United States to enable the construction of stream and/or wetlands crossings for a new 124.4-mile-long, 30-inch-diameter natural gas pipeline in the States of Pennsylvania and New York.

**WATERWAY:** Many multiple rivers, streams and wetlands in the Susquehanna, Delaware, and Upper Hudson River Basins

**LOCATION:** The proposed pipeline and supporting compressor stations are located in Susquehanna County, Pennsylvania and the following counties of New York State: Broome, Chenango, Delaware, Otsego, and Schoharie.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The Federal Energy Regulatory Commission (FERC) is the lead Federal agency for this project. As the lead agency, FERC has prepared a Draft Environmental Impact Statement (DEIS) in accordance with the National Environmental Policy Act (NEPA). The DEIS includes a review under Section 7 of the Endangered Species Act (16 U.S.C. 1531) and Section 106 of the National Historic Preservation Act of 1966 (NHPA), as well as other applicable Federal regulations. The DEIS was issued on February 12, 2014, with instructions about submitting comments concerning the above-referenced Federal regulations. The DEIS and instructions for submitting comments can be found at the FERC's website [www.ferc.gov](http://www.ferc.gov).

FERC will hold public comment meetings on the DEIS for the proposed Constitution Pipeline, LLC, project. The New York District Corps of Engineers will participate in the **public comment meetings** to gather information on this proposal to assist in the review of the permit application for the proposed activity.

The dates and locations of the meetings are as follows:

**Schoharie County Session:**

DATE: Monday, March 31, 2014  
TIME: 7:00 pm  
LOCATION: Cobleskill-Richmondville High School  
1353 State Route 7  
Richmondville, NY 12149

**Otsego County Session:**

DATE: Tuesday, April 1, 2014  
TIME: 7:00 pm  
LOCATION: Oneonta High School  
130 East Street  
Oneonta, NY 13820

**Chenango County Session:**

DATE: Wednesday, April 2, 2014  
TIME: 7:00 pm  
LOCATION: Afton High School  
29 Academy Street  
Afton, NY 13730

**Susquehanna County Session:**

DATE: April 3, 2014  
TIME: 7:00 pm  
LOCATION: Blue Ridge High School  
5058 School Road  
New Milford, PA 18834

The United States Army Corps of Engineers neither favors nor opposes the proposed work.

The purpose of this public notice is to announce that the Corps of Engineers will participate in the FERC-led public hearings to receive and consider public comments on the material matters at issue with respect to activities regulated by the Corps of Engineers. All comments regarding this permit application should be prepared in writing and mailed to reach this office and the FERC office before the expiration date of this notice; otherwise, it will be presumed that there are no objections to the regulated activities. Comments provided will become part of the public record for this Agency's and the FERC action.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the

Clean Water Act prior to a permit decision.

Besides FERC, the proposed work is also being coordinated with the following Federal, State and local agencies:

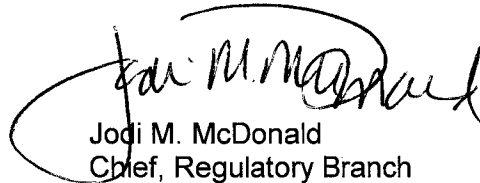
- US Army Corps of Engineers, Buffalo District
- US Army Corps of Engineers, Baltimore District
- US Environmental Protection Agency
- US Department of the Interior, Fish and Wildlife Service
- Federal Highway Administration
- New York State Department of Environmental Conservation
- New York State Department of Transportation
- New York State Department of Agriculture and Markets
- Pennsylvania Department of Environmental Protection

In order for us to better serve you, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact Kevin Bruce of this office by email at [kevin.j.bruce@usace.army.mil](mailto:kevin.j.bruce@usace.army.mil).

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



Jodi M. McDonald  
Chief, Regulatory Branch

Enclosures

## **WORK DESCRIPTION**

The permit applicant, Constitution Pipeline Company, LLC ("Constitution"), has requested Department of the Army authorization for the discharge of fill material into waters of the United States (WOUS) to facilitate the construction of a 124.4-mile-long, 30-inch-diameter new natural gas pipeline (Pipeline). The proposed pipeline would begin in Brooklyn Township, Susquehanna County, Pennsylvania and travel through Broome, Chenango and Delaware Counties of New York, before terminating in the Town of Wright, in Schoharie County, New York (Attachment 1 – Project Orientation map).

The stated purpose of the Pipeline is to deliver 650,000 dekatherms of gas per day from delivery points in Pennsylvania to an interconnection with the Iroquois Gas Transmission System, L.P. (Iroquois) and the Tennessee Gas Pipeline Systems (Tennessee), located within Iroquois' Wright Compressor Station property in the Town of Wright, Schoharie County, New York. Additionally, Constitution stated that agreements with local gas companies, as well as towns and municipalities may be negotiated in the future for natural gas service to those areas within close proximity to the pipeline route.

## **PIPELINE CONSTRUCTION**

Constitution proposes to use both standard and specialized pipeline construction methods, depending on the physical and environmental considerations of the sites. Standard construction methods would be used in uplands and for the majority of the pipeline, however specialized techniques would be required for sections of the pipeline route with steep side slopes, in the vicinity of structures and underground utility lines, and for crossing sensitive environmental resources, including wetlands and streams. To facilitate pipeline construction, Constitution proposes to clear and grade where necessary, a 110 foot-wide workspace width in uplands. In wetlands and streams (a.k.a. waterbodies), the workspace width would be reduced to 75 feet to minimize environmental impacts. Additional temporary workspace (ATWS) would be required in areas along the pipeline route where steep side-slopes exist to attain a 150 foot-wide workspace to facilitate equipment and personnel safety. In forested areas greater than 300 feet from a forest edge (interior forest), the workspace width would be reduced to 100 feet, with the exception of steep slope areas. The proposed pipeline would be co-located within or adjacent to an existing pipeline or electric utility right-of-way for approximately 11.17 miles, or 9% of the overall Pipeline distance.

Construction of the proposed pipeline and access roads would require crossing and work within wetlands and streams, which would result in mostly temporary and some permanent impacts to waters of the United States. Constitution has submitted state-specific Environmental Construction Plans (ECPs) with their application which outline the measures proposed to mitigate potential environmental impacts. The plans detail the Best Management Practices Constitution and their contractors would implement before, during, and after construction.

Temporary impacts in wetlands within the 75-foot construction corridor and in five ATWS areas would result from clearing and grading activities to remove vegetation and other obstructions, placement of temporary fills for the construction of access roads, and the excavation of a trench, with bedding and backfilling associated with the installation of the pipeline. Temporary impacts to waterbodies may include the use of temporary fills for stream diversions, trench excavation with bedding and backfilling associated with installing

the pipe across streams, or temporary fills associated with access roads. Where practicable, Constitution proposes to use trenchless crossing methods to avoid impacts to WOUS.

Permanent impacts in wetlands within the 75-foot construction corridor would result from the conversion of forested wetlands to scrub-scrub and emergent wetlands; the conversion of scrub-shrub wetlands to emergent wetlands, and from the discharge of permanent fill for some access roads, resulting in some permanent loss of WOUS. No permanent loss of WOUS is proposed for the pipeline installation itself. After completion of the Pipeline, Constitution proposes to maintain a 50-foot permanent Right of Way (ROW) over the center of the pipeline for the life of the pipeline. In forested wetlands, a 30 foot corridor would be maintained within this ROW: 5-feet on each side of the centerline would be permanently maintained in herbaceous vegetated cover, and within 15-feet on each side of the centerline, trees would be cut above-ground to reduce potential adverse affects to the integrity of the pipe. In scrub-shrub wetlands, a 10 foot-wide corridor would be maintained: 5 feet on each side of the centerline would be permanently maintained in herbaceous vegetated cover.

Impacts referred to as “construction impacts” include both temporary and permanent impacts within the entire workspace to install the pipeline, including access roads and other facilities. Impacts referred to as “operation impacts” are permanent.

Constitution proposes to modify existing roads and construct new temporary and permanent access roads to facilitate pipeline construction and operation. Permanent access roads would be constructed for use both during construction and for pipeline operation once the Pipeline is completed. Temporary access roads would be used during construction only and either removed once construction was completed. Depending on waterbody dimensions, temporary access roads that cross streams would use either equipment mats or other structures to span the stream from bank to bank, or culverts and temporary fill. Permanent access roads would be constructed where needed to properly maintain the pipeline.

Waterbody crossings are proposed using either dry open-cut, dry crossings, or trenchless crossing methods. A dry open-cut trenching method would be used if a waterbody were dry or frozen, dry crossings would use either flume pipe, cofferdam, or dam and pump to divert flows prior to trenching across a waterbody, and trenchless methods would include conventional bore, horizontal directional drill, or a direct pipe method. Wet, open-cut crossing methods are not currently proposed for any waterbodies; however Constitution proposes to consider their use if necessary on a case-by-case basis, with appropriate regulatory agency approvals. Once trenching is completed, stream-beds would be restored to preconstruction conditions.

Wetland crossings are proposed using standard pipeline construction, push-pull technique, or trenchless construction methods (listed above). For the workspace corridor in wetlands, trees and shrubs would be cut flush with the ground surface and removed. Stump removal and grading would be limited to an area immediately over the pipeline trench. Standard pipeline construction methods are proposed for wetlands where soils are non-saturated. This method would involve the excavation of a trench by back-hoe or track-mounted excavator measuring between 3.5 and 4.5 feet wide and 5.5 to 7.5 feet deep, depending on the soil/substrate type. In wetlands with saturated soils or soils covered with water, low-ground-weight construction equipment and/or mats are proposed to reduce rutting and the mixing of the topsoil and subsoil. The top 12 inches of topsoil would be segregated in areas

disturbed by trenching, except in areas where standing water is present or where soils are frozen or saturated. Permanent trench breakers are proposed for installation at both boundaries of the pipeline trench in wetlands to prevent the loss of hydrology.

## **WETLAND AND STREAM IMPACTS**

Constitution calculated temporary and permanent wetland and waterbody impacts based on a combination of field surveyed wetland delineation data and by use of remote sensed computer models. At the time the permit application was submitted, Constitution had conducted field surveys on approximately 79% of the overall pipeline corridor (approximately 98 miles). Remote sensing computer models were used to estimate impacts to WOUS and their locations for the remaining 21% (26 miles) of the pipeline route where ground surveys could not be conducted due to the lack of landowner permission to access the sites. Constitution used the United States Geological Survey-National Hydrography Dataset (NHD) to identify waterbodies on non-surveyed parcels and noted that the remotely sensed wetland data was developed in a manner that generally produced a conservatively high evaluation of wetlands and wetlands disturbance.

Constitution has requested that a DA authorization be issued for the Pipeline prior to completing ground-surveys on all parcels along the pipeline route, and that the authorization be conditioned such that, no work could be conducted on remotely sensed parcels until such time that ground surveys were conducted on those parcels, and impacts to WOUS were assessed based on ground-surveyed data.

## **PENNSYLVANIA WETLAND AND STREAM IMPACTS**

Approximately 25 miles of the total pipeline is proposed for construction in Susquehanna County, Pennsylvania. The construction of this portion of the overall Pipeline, including access roads, would require either crossing or potential disturbance to approximately 100 wetland areas and 85 waterbodies that were field surveyed prior to Constitution's permit application submission. Constitution calculated temporary and permanent impacts based on field surveyed wetland delineation data for approximately 80% of the pipeline corridor (approximately 20 miles) and used remote sensing computer models to estimate impacts for the remaining 20% (4.9 miles) where ground surveys were not conducted.

### **WETLANDS**

Temporary and permanent impacts to 100 wetland areas along the proposed route from the construction of the pipeline and access roads are estimated at 15.96 acres, including temporary impacts to 2.85 acres of Palustrine Forested (PFO), 1.68 acres of Palustrine Scrub-Shrub (PSS) and 9.12 acres of Palustrine Emergent wetland (PEM). Permanent impacts are proposed to 2.31 acres of wetlands and would include 1.93 acres of PFO, 0.30 acres of PSS, and 0.08 acre of PEM. Of these permanent impacts, 2.03 acres would result from the conversion of PFO (1.73 acres) and PSS (0.30 acres) and 0.28 acres (0.20 acres PFO and 0.08 acres PEM) would result from fill for the construction of permanent access roads. The attached *Table 1 Pennsylvania – Temporary and Permanent Wetland Impacts* provides detailed wetland impact information.

Impacts to 114 remotely sensed potential wetland areas from construction of the pipeline on properties where wetland surveys has not occurred have been estimated at 3.99 acres, including temporary impacts of 0.80 acres of PFO, 0.82 acres of PSS and 2.03 acres of

PEM. Permanent impacts resulting from conversion of PFO and PSS are estimated at 0.35 acres of wetlands and would include 0.26 acres of PFO, 0.09 acres of PSS. The attached table entitled *Wetland Impact Summary of Surveyed and Remote Sensed Areas for Pennsylvania* provides a breakdown of ground-surveyed and remotely sensed impact estimates.

## STREAMS

Eighty-Five waterbodies were identified through field surveys within the construction workspace. These waterbodies would either be crossed by the pipeline (77) or crossed by access roads (8). Total temporary impact of 1.85 acres would occur to field surveyed waterbodies and 0.01 acres of permanent fill would be placed to facilitate the construction of permanent access roads. The attached table entitled *Waterbodies Associated with the Constitution Pipeline – Pennsylvania* provides detailed information related to each waterbody crossing.

Two waterbodies were identified using the NHD that may be crossed by the pipeline, temporarily impacting 0.05 acres. The attached table entitled *Remote-Sensed Waterbodies Crossed by the Constitution Pipeline-Identified by HUC 8 Watershed – Pennsylvania* provides detailed information related to each NHD waterbody crossing.

## NEW YORK WETLAND AND STREAM IMPACTS

The New York Portion of the proposed Pipeline includes the construction of approximately 99 miles of pipeline with the following breakdown in miles for each county: Broome 17, Chenango 8.30, Delaware 43, and Schoharie 30.90. Approximately 19% (approximately 19 miles) of the pipeline corridor in New York was unable to be accessed to perform field delineations of wetlands and streams at the time of Constitution's permit application submission. Therefore, estimated temporary and permanent impacts to WOUS were calculated based on field surveyed data for approximately 81% (approximately 80 miles) of the pipeline route. Remote sensing computer models and NHD were used to estimate wetland and waterbody impacts and determine their approximate locations on parcels where field surveys were not conducted.

## WETLANDS

Temporary and permanent impacts to 308 field surveyed wetlands along the proposed route from the construction of the pipeline and access roads are estimated at 75.49 acres, including temporary impacts to 17.20 acres of PFO, 19.60 acres of PSS and 24.35 acres of PEM. Permanent impacts would be incurred to 14.34 acres of wetlands and would include 11.08 acres of PFO, 3.20 acres of PSS, and 0.06 acres of PEM. Of these permanent impacts, 13.91 acres of impact would result from the conversion of PFO and PSS and 0.43 acres would result in permanent loss from fill used for the construction of permanent access roads. The attached *Table 2 New York – Temporary and Permanent Wetland Impacts* provides detailed wetland impact information.

Impacts to 1,187 potential wetland areas from construction of the pipeline on properties along the proposed route where survey access has not been granted by landowners are estimated at 51.53 acres. These include potential temporary impacts to 19.80 acres of PFO, 7.83 acres of PSS and 15.85 acres of PEM. Potential permanent impacts resulting from the conversion of PFO and PSS may include 8.15 acres of wetlands (7.38 acres of

PFO and 0.77 acres of PSS). The attached Table entitled *Wetland Impact Summary of Surveyed and Remote Sensed Areas for New York* provides a breakdown of ground-surveyed and remotely sensed impact estimates.

## STREAMS

Two hundred and fifty waterbodies were identified through field surveys within the construction workspace associated with the pipeline and access roads. Of these 228 would be impacted by pipeline construction and 22 would be impacted from the construction of access roads. Total temporary impacts of 4.13 acres would occur to field surveyed waterbody crossings associated with the pipeline, and 0.03 acres of permanent fill associated with permanent access road crossings. The attached Table entitled *Waterbodies Crossed by the Constitution Pipeline – Identified by HUC 8 Watershed - New York* provides detailed information related to each waterbody crossing.

Twenty two waterbodies were identified by the NHD analysis within the construction workspace. A total temporary disturbance of 0.39 acres may occur for NHD waterbody crossings associated with the pipeline. The attached Table entitled *Remote-Sensed Waterbodies Crossed by the Constitution Pipeline – Identified by HUC 8 Watershed – New York* provides detailed information related to each remote-sensed waterbody crossing.

## PENNSYLVANIA AND NEW YORK IMPACT SUMMARY

**At this time, the total estimated impacts to waters of the United States from the proposed pipeline construction and associated activities includes the crossing of 359 waterbodies (87 PA; 272 NY), totaling 3,760 linear feet (6.42 acres) of temporary impacts and 40 linear feet (0.04 acres) of permanent fill for access road construction; and 1,709 wetlands (214 PA; 1,495 NY), totaling 121.92 acres of temporary impacts and 25.09 acres of permanent impacts. Of the 25.09 acres of permanent wetland impacts, 24.44 acres would result from the conversion of PFO and PSS wetlands and 0.71 acres would result from permanent fill for the construction of access roads. The pipeline crossings would not result in a loss of WOUS.**

## RESTORATION OF DISTURBED WETLANDS AND STREAMS

Constitution proposes that, immediately after pipeline construction activities in WOUS are completed, equipment mats and other temporary structures and debris would be removed from the workspace and all disturbed areas would be restored to pre-construction contours. Trench breakers would be installed at wetland boundaries and if necessary to maintain hydrology, the trench bottom would be sealed. Sediment barriers would be installed and the disturbed wetland areas would be stabilized with an annual seed mix of rye, allowing native vegetation to return from the existing seed bank within the soil. Disturbed streambed, banks, and streamside areas would be restored to pre-construction conditions and stabilized to prevent the erosion of exposed soils. Constitution proposes to leave a riparian strip a minimum of 25-feet wide, measured from the ordinary high

water mark (OHWM) of the waterbody, to permanently revegetate with native plant species across the entire construction ROW.

## MITIGATION



Most of the wetland impacts associated with the Pipeline are temporary and would result from a loss of vegetation cover type; or from a permanent conversion of wetland vegetation cover type. Temporary impacts to wetlands include vegetation removal and soil disturbance from grading and equipment, temporary alteration of hydrology, and temporary fills for access roads. Although these areas would be restored to pre-construction contours and vegetation would return over time, functional losses would result until such time the vegetative composition of the disturbed areas returned to pre-project conditions (temporal losses). Permanent impacts include the conversion of wetlands from PFO to PSS, and PSS to PEM wetlands within the permanently maintained ROW, and from permanent fill that would be discharged into WOUS for the construction of access roads.

To compensate for an estimated 2.76 acres of permanent and 19.20 acres of temporary impacts to WOUS, including wetlands, in Pennsylvania; and 22.52 acres of permanent impacts and 109.15 acres of temporary impacts in New York, the applicant proposes a combination of In-lieu fee (ILF) arrangement and permittee-responsible mitigation. These would involve a combination of restoration, establishment, enhancement, and preservation of both wetlands and uplands. Constitution proposes that temporary impacts to PEM and PSS wetlands can be mitigated on-site through restoration of the construction workspace, whereas PFO wetlands impacted in the temporary workspace areas are proposed to be mitigated off-site at a proportional ratio to the temporary loss of functions and services. Constitution also proposes wetland buffer preservation and establishment as part of the mitigation package. For the calculation of mitigation ratios, Constitution proposes lower mitigation ratios for degraded wetlands (e.g. agricultural areas) due to impaired functions.

## PENNSYLVANIA

Constitution proposes off-site, permittee-responsible mitigation through an arrangement with Resource Environmental Solutions, LLC (RES). To compensate for the wetland conversion impacts associated with the Pipeline, Constitution proposes the restoration and preservation of 8 acres of degraded PSS and PEM wetlands that are intermittently brush-hogged and grazed by cattle. The site is located within RES's 37.2 acre Seely Creek Restoration Area in Bradford County, in the vicinity of 41 Bypass Road, Gillett, Pennsylvania.

The proposed mitigation would result in a 1.5 to 1 mitigation ratio for permanent PSS conversion impacts and a 2:1 ratio for PFO conversion impacts and would include the restoration of 7.7 acres of PFO wetlands and 0.3 acres of PSS wetlands.

## NEW YORK

Constitution proposes to use an in-lieu fee arrangement to provide wetland establishment, enhancement, restoration, and preservation to mitigate for impacts in New York associated with the Upper Susquehanna Basin, as well as permittee-responsible preservation of wetlands and uplands at an off-site location. For impacts associated with the Upper Delaware, and Schoharie Watersheds, Constitution proposes permittee-responsible mitigation.

### Upper Susquehanna Basin

Estimated permanent impacts include 0.43 acres of fill and 16.21 acres of PFO and PSS conversion. Temporary impacts from construction activities total 29.11 acres of PFO wetlands.

To mitigate, Constitution proposes to purchase 26 credits (acres) from the Susquehanna Basin Headwaters ILF Program. This program is sponsored by The Wetland Trust, and is located in the Unadilla/Susquehanna Hydrological Unit (02050101) in New York. In addition, Constitution proposes the preservation of 53 acres of a 144 acre site located in Broome County. Preservation would include 17.4 acres of PFO and 35.6 acres of forested buffer which would also provide upland riparian buffer for approximately 1,050 linear feet of stream.

#### Upper Delaware Watershed

Estimated permanent impacts include 1.84 acres of PSS and PFO conversion and 14.40 acres of temporary impacts from construction activities (2.01 acres PFO, 4.73 acres PSS, and 7.66 acres PEM).

To mitigate, Constitution proposes to restore approximately 2.60 acres of PFO floodplain wetlands in an area currently grazed by livestock, preserve 10.3 acres of wetlands and 3.8 acres of upland buffer, and improve two ford waterbody crossings to minimize stream disturbance when used by farm equipment.

#### Schoharie Watershed

Estimated permanent impacts include 4.01 acres of PFO and PSS conversion and 27.35 acres of temporary impacts from construction activities (5.88 acres PFO, 6.20 acres PSS, and 15.27 acres PEM).

To mitigate, Constitution proposes permittee-responsible mitigation at two sites:

Site 1: Located in the Town of Richmondville, Schoharie County, this site lies in an agricultural area adjacent to Cobleskill Creek. Constitution proposes to enhance 1.7 acres of existing PEM and PSS wetlands by treating invasive plant species (purple loosestrife), establish 1.5 acres of PFO wetland adjacent to existing wetlands along the creek, and preserve 5.1 acres of upland buffer.

Site 2: Located in the Town of Sloansville, Schoharie County, this site is located within the Cripplebush Creek watershed. Constitution proposes to preserve a 56.7 acre site which includes 10 acres of PFO, 13.1 acres of PSS and 0.4 acres of PEM wetlands, along with 7.6 acres of upland buffer on one portion of the site. In addition, on another portion of the site, Constitution proposes to establish 0.82 acres of PFO wetlands and enhance 1.8 acres of degraded PSS wetland, and establish an 8.4 acre, 150 foot-wide upland buffer. The remaining upland fields on the site would be allowed to undergo natural succession.

### **ADDITIONAL FACILITIES**

Above-ground facilities associated with the pipeline would include the construction of two Meter and Regulation stations, two new tie-ins, and eleven Main Line Valves, with pig launcher and receiver facilities. Constitution also proposes to use six parcels as contractor

yards to support construction activities on a temporary basis.

Constitution proposes an arrangement with the Iroquois Pipeline Company, LLC, to provide Constitution sufficient natural gas capacity for the operation of the pipeline. To facilitate the additional capacity, Iroquois' proposes to modify their existing Wright Compressor Station in the Town of Wright, Schoharie County, New York. The modifications, known as the Wright Interconnect Project (WIP), would provide additional natural gas capacity to Constitution and eliminate the need for Constitution to construct a new compressor station as part of its proposed Pipeline. Construction of the WIP would require approximately 12.5 acres of land disturbance for construction and 7.5 acres would be required for the permanent operation of the facility.

No impacts to WOUS are proposed for the construction or use of the facilities described above.

### **AVOIDANCE/MINIMIZATION OF IMPACTS**

The applicant has stated that they have avoided and minimized proposed impacts to aquatic resources to the maximum extent practicable by evaluating various route locations through the use of natural resource mapping during the planning phase of the Pipeline. Modifications to the proposed route have been made on a continual basis to avoid and minimize impacts to aquatic resources. Additional avoidance and minimization measures, among others, include:

- Reducing the construction corridor in wetlands to a width of 75 feet unless site specific conditions call for additional space;
- Limiting maintenance within a minimum 25 foot-wide riparian strip from waterbody OHWM;
- Using trenchless construction methods for crossing WOUS where appropriate and practical;
- Limiting the use of equipment operating in wetlands;
- Limiting the length of time the trench would remain open;
- Installing trench breakers at the boundary of each wetland;
- Use of equipment mats where rutting may occur;
- Accelerating construction activities in and immediately adjacent to wetlands;
- Instructing personnel on wetland construction techniques;
- Maintaining a 50 foot setback, where possible, between ATWS areas and wetland perimeters;
- Restoring wetlands to preconstruction contours;
- Use of appropriate erosion and sediment controls and stabilizing construction areas as soon as possible following pipe installation;
- Separating and stockpiling the upper 12" of topsoil when possible for replacement after grading is completed;
- Inspecting the ROW periodically during and after construction to ensure erosion control and stabilization measures are sufficient;
- Avoiding and minimizing wetland clearing;
- Removing cut/cleared debris from wetlands;
- Limiting grading in wetlands to the areas directly over the trench line where possible;
- Maintaining only a 30-foot ROW in wetlands; and

- Providing mitigation as described above for unavoidable impacts to waters of the U.S.