

January 26, 2026

Debbie-Anne A. Reese, Secretary  
Federal Energy Regulating Commission  
888 First Street NE  
Washington, DC 20426

**Re: Comment and Request for Permit Conditions Letter for FERC  
Docket Numbers CP13-499-006 and CP18-5-004**

Dear Secretary Reese,

The Schoharie County Board of Supervisors (SCBOS) submits the following comments in order that the FERC include certain conditions within the permit, if granted, which will become binding requirements of the permittee throughout the entire lifecycle of the permit, i.e. installation and all future operation and maintenance and activities related to the Constitution Pipeline Project.

In this letter, the SCBOS will describe certain facts concerning the impact of this pipeline (FERC Docket Numbers CP13-499-006 and CP18-5-004) within our county, pertaining to water quality, risk to life and property, road use, and future land use and development and tax base. Each section of facts will be followed by the proposed permit conditions and permittee requirements the SCBOS asks the FERC to consider including within this permit.

**WATER QUALITY:**

- Clean water is a fundamental requirement for life.
- Schoharie County has long enjoyed an abundance of fresh clean water.
- The SCBOS wants to ensure the waters within our towns and county will remain clean.
- It is reasonable to expect the FERC to include conditions in the permit which mitigate, to the fullest extent possible, all forms of

environmental contamination and/or pollution which may arise as a result of the FERC granting this permit.

- In the Notice of Petition and Establishing Intervention Deadline, the applicant (Constitution) seeks that the FERC reaffirm that the New York State Department of Environmental Conservation waived its authority under Section 401 of the Clean Water Act by failing or refusing to act on Constitution's request for a water quality certification within one year.
  - May 30, 2025 – Constitution submitted a Joint Application for Permits (Application)
  - July 2, 2025 – NYSDEC issued a Notice of Incomplete Application which outlined required information that was missing from the Application
  - August 12, 2025 - Constitution submitted a Response to the Notice of Incomplete Application
  - August 26, 2025 – NYSDEC issued a second Notice of Incomplete Application as the August 12, 2025 Response was still missing required information.
  - September 15, 2025 - Constitution submitted a Response to the second Notice of Incomplete Application
  - September 30, 2025 – NYSDEC issued a Notice of Continued Incompleteness
  - Effective November 7, 2025, the applicant notified NYSDEC that Constitution elected to withdraw their Application.
  - November 13, 2025, NYSDEC issued an acknowledgement letter to both Constitution and the USACE stating: Effective November 7, 2025, the Application and request for a Section 401 WQC is hereby withdrawn from processing.

The SCBOS requests that the FERC review the abovementioned NYSDEC application documents, because the NYSDEC repeatedly listed for the applicant the need for additional information which the applicant elected not to provide such that NYSDEC would be able to review and make a determination on the required water quality certification.

The SCBOS requests that the FERC deny the applicant's request to affirm NYSDEC's waiving of its authority.

The SCBOS requests that the FERC require as a condition of the permit that the permittee abide by all federal and state environmental law and public policy.

The SCBOS requests that the FERC require as a condition of the permit that the permittee, throughout the life of the permit (to construct operate and maintain the gas pipeline) be restricted to manual means of vegetation management and be prohibited from utilizing chemical herbicides for this or any other purpose in order to protect the waters within Schoharie County against contamination.

The SCBOS also recognizes that the pipeline follows the line of underground Marcellus shale, thus implying the intent to someday extract the natural gas from our locale. We ask FERC to require of the permittee, if/when gas drilling should ever occur, to divulge the names and quantities of all chemicals proposed to be utilized to the SCBOS prior to their use in and/or on the ground. The SCBOS asks the FERC to require the permittee to receive written permission from the SCBOS prior to the use of any and all chemicals for any purposes related to this proposed pipeline. Should drilling ever ensue, we ask that a monthly water quality testing program first be implemented for all dwellings at the full expense of the permittee.

In addition to fines levied by the FERC for non-compliance with permit conditions and/or requirements, the SCBOS requests that the FERC establish a separate and severe fine schedule payable to both Schoharie County and the town in which any violation occurs. The SCBOS recommends that this fine be set at one million dollars per day per occurrence of non-compliance with permit conditions and/or requirements.

## RISK TO LIFE AND PROPERTY:

- The proposed Constitution Pipeline is a long-distance high-pressure high-volume conduit for explosive gas
- Natural gas pipelines have a history of failures leading to loss of life and property
- Schoharie County has endured multiple natural gas line failures directly resulting in the loss of life and/or property.
- Residents along the proposed corridor are currently free from the risks associated with living near or adjacent to this proposed high pressure natural gas transmission line.
- In 2014, when requesting right of way access from landowners, Williams informed the operating pressure of the proposed line would be in the neighborhood of 800 psi.
- The current application to FERC, (Pub\_26 p11 1.2.2) states the: ***"maximum allowable operating pressure (MAOP) of 1,480 pounds per square inch gauge"***.
- The proposed Constitution Pipeline is to move approximately 650,000,000 cubic feet of natural gas per day (for perspective, that is enough gas to fill a 6" pipe going from earth to the moon, back to earth, and halfway back to the moon again every single day)
- The federal government US Dept of Transportation Pipeline and Hazardous Materials Safety Administration (US DOT PHMSA) previously developed a formula to determine the hazard distance for all natural gas pipelines. See GRI-00/0189 - A Model For Sizing High Consequence Areas Associated With Natural Gas Pipelines
  - The calculated hazard distance for a 30" pipeline operating at 800 psig is approximately a 585' outward on either side of the pipeline.

- The calculated hazard distance for a 30" pipeline operating at 1480 psig is approximately a 800' outward on either side of the pipeline.

The SCBOS requests the FERC, as a condition of the permit, require the permittee to maintain a minimum setback distance from all existing dwellings to the proposed pipeline of at least 1.25 times the US DOT PHMSA calculated hazard distance.

- Ref. US DOT PHMSA  
<https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/technical-resources/pipeline/gas-transmission-integrity-management/61586/gri-00-0189-model-sizing-hcas-natural-gas-pipelines.pdf>
- Ref Pipeline Safety Hazards — Williams Transco Central Penn Line South – Risk <https://www.lancasterpipeline.org/pipeline-safety-hazards>

In cases where the setback distance cannot be met, the SCBOS requests the FERC require the permittee to pay owners of dwellings within the calculated hazard distance, whether or not the pipeline or right-of-way for the pipeline is on a property, a per-foot fee for the exponential increase in risk to life and property, whether real or perceived. To encourage the permittee to take adequate consideration for the lives and properties adjacent to the proposed pipeline, the SCBOS requests that the FERC establish a fee schedule per foot for every foot an existing dwelling lies within the US DOT PHMSA calculated hazard distance and an additional per foot fee schedule as a safety factor for dwellings within 1.25 times the distance of the US DOT PHMSA calculated hazard distance to the proposed pipeline. The SCBOS requests the FERC consider \$10,000 per foot within the hazard distance and an additional \$1,000 per foot for every foot from the outer edge of the hazard distance to the outer edge of the 1.25 distance boundary.

ROAD USE:

- Construction of this pipeline could negatively impact current infrastructure
- Measured by household income, Schoharie County is not a wealthy county and could not readily absorb additional costs associated with unforeseen infrastructure repair or replacement

The SCBOS requests the FERC, as a condition of the permit, require the permittee to establish a payment guarantee, whether in the form of a fund or bond, providing towns and the county assurance that any and all infrastructure damaged as a result of constructing, maintaining, or utilizing the pipeline will be repaired or replaced in an expedited manner at the full expense of the permittee.

#### FUTURE LAND USE AND DEVELOPMENT AND TAX BASE:

- The federal government (US Dept of Transportation Pipeline and Hazardous Materials Safety Administration) previously developed a formula to determine the hazard distance for all natural gas pipelines. See GRI-00/0189 - A Model For Sizing High Consequence Areas Associated With Natural Gas Pipelines
  - The hazard distance for a 30" pipeline operating at 800 psig is approximately 585' outward on either side of the pipeline.
  - The hazard distance for a 30" pipeline operating at 1480 psig is approximately 800' outward on either side of the pipeline.
- It is reasonable to expect that future development within the calculated hazard distance of the proposed pipeline is unlikely to occur
- Lack of development results in future loss or reduction of town and county tax base

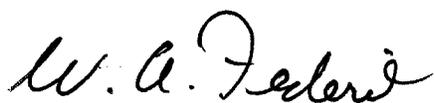
- Per the Environmental Consistency Summary included within the permit application, PUB 26 page 12, the length of the proposed pipeline in Schoharie County is 30.89 miles
- The amount of property to fall within the Hazard Zone as calculated by the US DOT PHMSA is 1,600' by 30.89 miles (163099.2'), or 5990.79 acres.

The SCBOS requests the FERC, as a condition of the permit, require the permittee to pay a one-time fee of \$1,000,000 per mile to the county and \$1,000,000 per mile to each affected town (approximately \$62,000,000 in total) such that permanent interest-bearing funds be established in the county and each affected town to compensate Schoharie County and the Towns of Cobleskill, Jefferson, Middleburgh, Richmondville, Schoharie, Summit, and Wright for loss of future tax base.

The SCBOS also requests that the FERC, as a condition of the permit, require the permittee to negotiate a reasonable annual payment in lieu of taxes with Schoharie County and the Towns of Cobleskill, Jefferson, Middleburgh, Richmondville, Schoharie, Summit, and Wright.

On behalf of the entire Schoharie County Board of Supervisors, thank you for your serious consideration of our comments and our request for conditions to be added to this permit, if/when granted.

Sincerely,



*William Federice*  
*Chairman Schoharie County Board of Supervisors*  
*PO Box 429, Schoharie, NY 12157*