



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
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FEDERAL ENERGY
REGULATORY COMMISSION

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First St. NE, Room 1A
Washington, D.C. 20426

Reference Docket Nos. CP13-499; CP13-502-000; PF12-9-000

Dear Ms. Salas:

The U.S. Environmental Protection Agency (EPA) has reviewed Constitution Pipeline Company's Preliminary Migratory Bird and Upland Forest Plan dated May 2014. EPA has several technical comments on and issues with the Plan that we shared with both the U.S. Fish and Wildlife Service (FWS) and the New York State Department of Environmental Conservation on May 27. However, we also have a major procedural concern in that the Migratory Bird and Upland Forest Plan was not part of the Federal Energy Regulatory Commission's (FERC) Draft Environmental Impact Statement for the Constitution Pipeline and Wright Interconnect Projects, and therefore did not receive thorough public and agency review and comment.

As noted in Constitution Pipeline's Plan, the Memorandum of Understanding between the FERC and FWS that sets the policy for these plans states FERC will, "Direct applicants, where appropriate, to jointly develop project-specific conservation measures with the FWS during the pre-filing process and/or the initial planning of projects..." EPA believes that pre-filing is commonly understood to be that period before FERC begins the environmental process under the National Environmental Policy Act. As a major element of the project, EPA also believes it is important for the mitigation plan to be part of the Draft Environmental Impact Statement so that it will undergo the same level of public involvement and scrutiny.

Thank you for your consideration of this issue. If you have any questions or would like to discuss it, please contact Lingard Knutson of my staff at (212) 637-3747.

Sincerely,

Grace Musumeci, Chief
Environmental Review Section