

Stephen M. Tomasik  
DEC - Division of Environmental Permits  
625 Broadway, 4th Floor  
Albany, NY 12233-1750

January \_\_\_\_, 2015

Application ID: 0-9999-00181/00009 - Water Quality Certification  
Application ID: 0-9999-00181/00010 - Freshwater Wetlands  
Application ID: 0-9999-00181/00011 - Water Withdrawal  
Application ID: 0-9999-00181/00012 - Excavation and Fill in Navigable Waters  
Application ID: 0-9999-00181/00013 - Stream Disturbance

Dear Mr. Tomasik:

In the joint application, the best management practices (BMPs), size of pipe flumes for stream crossings, and design of the required silt fences are based on engineering calculations of a 5-year storm event.<sup>1</sup> CP considered 2-year, 5-year, and 10-year storm events, but is assuming a 5-year storm event as the basis for their 401 water quality certificate, and 4 related permits. There is no rational basis for this assumption.

Climate change affects weather patterns. While some areas of the nation have too little water, Central NY experienced four 100-year floods within ten years. There is no discussion of the impact of climate change on this project, and there is no way to protect NYS water quality through best management practices if there were a 50, 100, or 500 year storm event. Silt fences and properly sized pipes would be cast aside like a joke in such torrents. The fact that DEC had allowed 100-125' swaths of trees to be cut, and deep trenches cut through clay and rock on steep slopes would cause even more damage than the area already experienced.

Do your job. Protect New York State water quality by denying the 401 water quality certificate or hold Adjudicatory Hearings for this project.

Sincerely,

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Signature

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Name

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Address

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<sup>1</sup> Joint Application, Constitution-NY-JointApp\_Att-G\_HHA-WaterCrossingsCalcs\_Aug-2014\_02of7.pdf, 4 (August 2014), *available at* <https://www.dropbox.com/sh/uqd0quuiifpt0j8/AADdMecLxKvzM0ruWyOxsQh5a?n=358617499>.