

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

\_\_\_\_\_, 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:

The proposed Constitution Pipeline (CP) would permanently alter 554 waterbody banks in New York—most of them creek-, stream- and riverbanks—by clear-cutting 100-foot-wide swaths of trees and vegetation leading up to and away from 277 waterbodies.

According to a 2004 Cornell Extension Service manual of best management practices (BMPs) for timber harvesting, loggers and property owners should “maintain a [50- to 100-foot] wide strip of intact trees, seedlings and shrubs on either side of a stream.” This “streamside management zone” is recommended because trees and vegetation along streambanks are essential to: 1.) allowing water to soak into the ground, thus reducing flooding; 2.) slowing runoff water and filtering sediment and nutrients from runoff, thus reducing the amount of pollution flowing into streams; 3.) shading streams, thus providing the cold-water habitat required by trout; and 4.) stabilizing streambanks. Tree and plant roots hold soil together, making it more difficult for currents and runoff to wash soil away.<sup>1</sup>

Clear-cutting more than five hundred 100-foot-wide strips of trees and vegetation along NY streambanks would threaten NYS narrative water quality standards for streams by causing increased turbidity. As per the FEIS Appendix K-2 (Vol. 2; PDF pgs. 441–457), streams that the pipeline would cross in four NY counties are classified as AA, C, C(T), C(TS) and D. These streams shall not have turbidity levels that will cause a substantial visible contrast to natural conditions (DEC Regulations, Chapter X, Divisions of Water, §703.3). CP’s massive streamside clear-cutting would without doubt cause increased stream turbidity (and erosion and flooding) in both the short and long term. As such, I ask you to deny the 401 water quality certificate, or hold adjudicatory hearings.

Sincerely,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

<sup>1</sup> Cornell Cooperative Extension, 2004; Written by James Ochterski, CCE - Schuyler County;  
[http://www2.dnr.cornell.edu/ext/bmp/contents/during/dur\\_streamside.htm](http://www2.dnr.cornell.edu/ext/bmp/contents/during/dur_streamside.htm)