

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 threaten New York's brook trout by clear-cutting 1,000 acres of forested land surrounding prime brook trout habitat. This deforestation would include permanent removal of vegetation and tree canopies on either side of 45 trout streams the pipeline would cross 84 different times.¹ Because CP would require a 100-foot-wide clear-cut right-of-way along its entire route, that would mean 168,000 feet of permanent streamside deforestation—the length of 467 football fields.

All trout, but especially brook trout, require cool water to survive because it contains a lot of dissolved oxygen (DO). Removal of streamside trees and vegetation threatens trout by exposing streams to sunlight, thus increasing water temperatures and decreasing DO levels.² Trout eggs are especially vulnerable to increased water temperatures and lowered DO levels. DEC regulations state: "For trout spawning waters (TS), the DO concentration shall not be less than 7.0 mg/L from other than natural conditions. For trout waters (T), the minimum daily average shall not be less than 6.0 mg/L, and at no time shall the concentration be less than 5.0 mg/L" (Chapter X, Divisions of Water, §703.3).

CP's permanent removal of trees and vegetation along 168,000 feet of trout streambanks would undeniably put stress on New York's trout population, and would likely violate DEC Water Quality Standard §703.3 for dissolved oxygen. As such, I ask you to deny the 401 water quality certificate, or hold adjudicatory hearings.

Sincerely,

Signature

Printed Name

Address

¹ FEIS, Appendix N; Vol 2 – PDF pgs. 545-553

² <http://www.nys-soilandwater.org/crep/forms/FactSheet5.pdf>