8/7/2014 - Constitution Pipeline Conference call

Steve Tomasik - DEC
Lingard Knutson – EPA
JR Jacobson - DEC
Tim Sullivan - USFWS
Kevin Bruce – ACOE
Mike Dombroskie – ACOE
John Cantilli - EPA
Kevin Bowman – FERC
Judy Robinson - ACOE

Kevin B started by answering questions on the following topics:

- Things are moving much slower than they anticipated. They are working through comments on public drafts.
- As soon as they get the FERC certificate, they can start the condemnation process immediately (eminent domain). Court dates are usually set around 2 weeks after the Certificate is issued. Constitution can try to lump each hearing together but may have to do so individually, which would take longer. This project has more condemnation than any other project he has worked on. Would estimate that it would take ~one month before the surveyors could hit the ground so we're looking at December.
- The FERC certificate won't be piece meal. It will be one Certificate for one project. They can't start work until a Notice to Proceed is provided them FERC. The Notice to Proceed won't happen until all other permits are approved from other agencies. FERC can give a partial Notice to start certain things.
- Discussion ensued regarding Corps 401 permit.
- Lingard brought up concerns about the other pipeline by Tennessee Gas is reasonable foreseeable. Stuff coming out in September so we can't ignore it. TGP has a proposed line and it's close to Constitution's line. EPA is concerned that this is not being addressed appropriately in alternatives.
- Kevin B replied that it becomes reasonably foreseeable when it has a FERC docket number, that there will be a comparison/description of that new pipeline in the alternatives analysis. Probably look at impacts based on land cover data and that type of thing but can't say for sure until things move along.
- MOU that Constitution will provide gas to 4 or 5 other areas so it's not it's own pipeline but more of a service agreement. Called leatherstocking. They're still investing customer demand and feasibility.
- Draft EIS comments were extensive. If they get hung up on some of them, FERC can still go forward but will have a "prior to construction" clause and it must be something that could be dealt with before construction. For example, the Mig Bird plan could be a type of request in that it could be completed after the final EIS is approved but before construction.
- Discussion os the alternative route near I-88 in NY. Wetland impacts, stream crossings, forest interior impacts – FERC decided that Alternative M was better from an

environmental standard. Mike brought up all the concerns of the resource agencies regarding the M alternative and yet FERC seems comfortable with their selection. If the other agencies select a different route than FERC, then applicant can reconsider or FERC can go to court with other agencies.

DEC reviewing permits. Still in contact with Constitution. Expects to have a supplement from Constitution to that permit application on encroachment on waterways within the next few weeks.

ACOE - Sent a letter out May 6 to Constitution. Had a meeting with Constitution last week. Expecting same info that is going to DEC.

I asked FERC about their goals and objectives for the Upland Forest Management Plan

- Wanted input on additional mitigation strategies. Part of the condition requirement was that they must coordinate with us on it.
- DEC did say that what was submitted was lame and that they haven't given us sufficient time to comment on anything